SENATE—*Thursday, February 3, 1994*

(Legislative day of Tuesday, January 25, 1994)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable BEN NIGHTHORSE CAMPBELL, a Senator from the State of Colorado.

The PRESIDING OFFICER. Today's prayer will be offered by guest chaplain, the Reverend Hampton J. Rector, of Bloomfield, WV.

PRAYER

The guest chaplain, the Reverend Hampton J. Rector, of Bloomfield, WV, offered the following prayer:

Let us pray.

Almighty God, unto whom all hearts are open, all desires known, and from whom no secrets are hid:

Cleanse the thoughts of our hearts by the inspiration of Thy Holy Spirit, that we may perfectly love Thee, and worthily magnify Thy Holy Name; through Christ our Lord;

Heavenly and Eternal Father, keep us mindful, both in this hallowed Chamber and in our places of work throughout the Senate complex, that our work this day is our worship;

As in the words of the ancient collect just offered, we submit to Thee our minds and our hearts, our goals and our purposes, to be judged and guided by Thee;

Let our labor be lifted up to Thee, that in all that we do in this place today, Thy will might be done;

Let our efforts be measured not by our imperfect yardsticks, but by Thy infathomable plumb line;

And share with us a sense of Thy justice, an intuition of Thy vision, and a knowledge of Thy righteousness;

For these appeals we offer in Thy Name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 3, 1994.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BEN NIGHTHORSE CAMPBELL, a Senator from the State of Colorado, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CAMPBELL thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order the leadership time is reserved.

GOALS 2000: EDUCATE AMERICA ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 1150, the Goals 2000 bill, which the clerk will now report.

The legislative clerk read as follows:

A bill (S. 1150) to improve learning and teaching by providing a national framework for education reform; to promote the research, consensus building, and systematic changes needed to ensure equitable educational opportunities and high levels of educational achievement for all American students; to provide a framework for reauthorization of all Federal education programs; to promote the development and adoption of a voluntary national system of skill standards and certifications, and for other purposes.

The Senate proceeded to consider the bill.

Pending:

(1) Dorgan amendment No. 1369, to require each local educational agency, as a condition for receiving Federal assistance, to implement a gun-free program in its schools.

(2) Kennedy amendment No. 1375 (to Amendment No. 1369), to express the sense of the Senate regarding guns in schools.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, we are expecting our colleagues, Senator HATFIELD and Senator DURENBERGER, on the floor shortly. I thought I would take this time until they arrive to demonstrate some of the things that are happening in different parts of the country which have been inspiring circumstances and which we have tried to take advantage of and incorporate in this legislation. Programs like these are why we believe this legislation, although it has limited resources, supports or actually reflects the priorities that most families give to education in this country.

Taken within the context of a variety of other kinds of efforts that we are involved in as a Congress and Senate, and with this administration, with its leadership under President Clinton and Mrs. Clinton, this legislation can make an important difference in terms of the quality of education for our young people.

I mentioned in the closing moments last evening what we are trying to do for young people in this country by expanding the Head Start Program and strengthening the quality of the Head Start Program, even reaching down to the youngest of children.

I think, and the President and Mrs. Clinton understand, that the early support of expectant mothers is something which is also important, so that we have well babies. Simultaneously, we try to ensure that they are going to grow up in a climate and atmosphere which is supportive and nurturing and helpful in developing self-esteem.

There are obviously a variety of different factors that impact that condition but, nonetheless, the efforts of all of us to make that a positive experience are certainly reflected in what we are currently undertaking.

We will have the opportunity to pass the reauthorization of the Head Start Program, with the recommendations that have been made in terms of bipartisan support, in these next few months. Also tied into this legislation, and I will elaborate in greater detail, are some of the examples that we have observed in different parts of the country, and which have really been the source of the direction and the inspiration, on which this particular legislation will focus.

In these next several months we will also have the reauthorization of Chapter 1 of the Elementary and Secondary Education Program. That will be about $7 billion. It is the principal instrument by which the Federal Government supports those children who are at greatest risk and of greatest need. We have a series of recommendations that have been made by the administration, and we will be addressing those later in this session. But that again is related to what we are trying to do with the Head Start Program; tying the Head Start Program into the early years of educational experience and making sure that elementary and secondary education—the Title I program—fits into the Head Start Program.

This is something that we can do. We made some progress in the last reauthorization. And we can do a good deal more in that area as well.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

We are talking, as well, in line with the President's program on health insurance reform, about providing for school-based clinics, obviously with the support of the local communities, with the support of parents, and with the support of teachers and the school districts.

We have seen where these school clinics have been effective. We have several of them in my own State of Massachusetts. The Cambridge Rindge and Latin School, for example, has a good program. All one has to do is visit that high school and talk to those involved in the school clinic program, which provides health care services to the students.

We find that, in urban areas, up to one-third of the children who go to those schools are abused in some form or shape, or live in an abusive family, whether it is substance abuse or physical abuse. What a difference it makes to those children to know that there is at least a secure group of helpful people who will be supportive of them, and who will help them make it through extraordinary challenges, maintain their interests in making educational progress, and keep them from dropping out of school and becoming part of the gangs and part of a lost generation.

That is important, and that, obviously, will help and assist many of our young people as they are hopefully moving toward enhanced academic achievement in this program.

As we mentioned briefly yesterday, we are making efforts with the private sector to move from the school to work, recognizing that, of the 100 percent of young people who graduate from high school, about 30 percent of them go on to some form of continued education or training; 60 to 65 percent, or even higher, in many regions of our country, do not.

We find an enormous disparity in terms of the opportunities for those who go on to higher education, which I certainly support, and those who do not continue their education. It is much different, really, than a generation ago, when I first came to the Senate, where if your grandfather had worked in the Four River Shipyard, your father had worked there, and maybe even your son had worked there—the women of the family clearly did not—there was at least an understanding that if you graduated from high school and you had developed certain skills and worked during the course of the summer, you would move into a job which would be rewarding, which would be satisfying, and which would permit you to live a constructive and productive life and that provided for the family as well.

Over the period of the last 20 years, there has been a 20 percent real loss in wages for young people who graduate from high school with no additional training. The disparity between those who leave high school without additional training, and those who are able to get additional training through colleges, whether they are 2- or 4-year colleges, grows and continues to grow. Continued training and continued education is not a luxury for our society, it is an absolute necessity if we are going to compete in a world-class economy.

We could have legislation addressing this issue, hopefully, and according to the leader, as a follow-on piece of legislation. We have emergency programs in terms of the earthquake victims. Certainly, with the strong bipartisan support we have had in the committee, and the strong support we have from administration, the Chamber of Commerce, and the National Association of Manufacturers, it is very important and closely tied to what we are considering today. As a matter of fact, there are provisions in this legislation establishing the skills standards that are directly related to the school-to-work program.

So, again, this is a correction that is important. There are efforts being made to enhance the schools through technology and technology assistance, currently known as S. 1040, to ensure that young people, as students in our public schools, are going to have the similar kinds of advantages that those in many of our private schools have in terms of the technology and the technology training available to students and teachers, so that they can use the technology to really enhance academic achievement. This is something that is extremely important.

In our committee, there have been bipartisan efforts in terms of attaching to the legislation the repayment of debt of a young person in our country resulting from continuing education, so that they can pay it out over a period of years in terms of percent of income. There is also the movement toward a direct loan program, which is being tested now, and which many of us support. And we did believe that a fair test and examination should take place.

The guaranteed student loan program has worked, and before we move into this whole new area, I think, that we have a responsibility to make sure that something which has worked well, and has been effective, should be supplanted by something we hope will be even more effective and mean additional savings to our young people.

I must say that I think we can make improvements in terms of the bureaucracy and the rules and regulations that affect all of these programs. I know we have, Under Secretary Riley and Madeleine Kunin, and Tom Payzant, who works with them, individuals who are knowledgeable, both as former Governors in the first two circumstances, and as someone who has been an outstanding supervisor, who can help us work our way through the elimination of a lot of the bureaucracy. I think that is important.

We make a downpayment on that in this legislation by providing a great deal more flexibility, in terms of both the States and local communities, permitting them to use scarce resources more wisely for the students. That is, certainly, one of the important aspects of this program.

There are other features as well, such as the tying-in of the voluntary national service program for our young people, that can make a difference.

So, we look at it, at least most of us look at it, as an effort in strengthening this whole next generation, from the earliest of times through certainly the college experience, by trying to provide, albeit with limited resources, the kind of encouragement that can make such a very important difference for the young people of this country.

Just very briefly—I see my friend from New Mexico, who wants to speak—I will just mention this comment and then continue on during the course of the day.

I had hoped to talk about some of the encouraging things being done by a number of the States. But I will just close this part of the debate by pointing out that there is agreement among the general public that we, as a country and as a society, have not done enough. More than 85 percent of Americans believe that the Nation needs higher education standards in order to be economically competitive. I think we all agree with that. We should be establishing benchmarks which can be achieved by our young people and which call upon the best among them to achieve those academic levels.

Fifty-four percent of Americans believe that we lack clear standards of what students should know and be able to do upon graduation. Obviously, there are extraordinary circumstances, and I can mention a number of schools in Massachusetts that are some of the leading educational institutions in the country and that are public schools. But American people generally feel that we lack clear standards of what students should know and be able to do upon graduation. Three-quarters of Americans believe that the Nation does not invest enough in K–12 education. I think this is something that we talked briefly about last night, and which many of us believe, and national leadership will help raise the visibility of academic standards.

We are certainly hopeful that this bill is successful, and we believe that it will be; that with the increase in terms of academic achievement and accomplishment, there will be a reawakening by the American people to the importance of this kind of investment at the local, State, and Federal levels, and we can meet our responsibilities to the young people in a more effective way.

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I will yield the floor at this time and come back to this theme as we have more time during the course of the morning.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico [Mr. BINGAMAN], is recognized.

Mr. BINGAMAN. Mr. President, I wish to speak in general in favor of this legislation. I compliment the Senator from Massachusetts, the Senator from Vermont, and the Senator from Rhode Island, Mr. PELL, who is the chairman of the subcommittee, on this very important legislation. I do believe that when history is written about this 103d Congress, if we are successful in enacting this Goals 2000 legislation, it will be one of the main achievements recognized by future generations.

For a number of years, I have argued for establishing realistic and measurable national education goals. It is clear we cannot bring out the best in our young people if we do not expect the best of them. I also believe we cannot fairly expect the best from them if we do not tell them and their teachers and their parents what is considered an acceptable standard. In past Congresses, I have introduced legislation to accomplish this. I am pleased to see that many of the provisions I earlier proposed are contained in this important legislation.

The Goals 2000 legislation will codify the six national education goals which were set by the President and the Nation's Governors several years ago. They will add a new goal on parental involvement as well as authorize and expand the National Education Goals Panel on which I served with Senator COCHRAN from Mississippi, representing the Senate on that panel.

I strongly believe that the national education goals challenge our Nation's school systems to achieve the highest quality education for our youth. Specific goals provide direction; they provide accountability. They are essential tools in educational reform. In the years I have been on the Education Goals Panel, I worked closely with the Governors in reporting on progress toward the goals that have been set. I believe, as I have believed and I continue to believe, those goals provide the right direction for schools and the opportunity to measure progress reliably and usefully.

Let me say a few words about this National Education Goals Panel. This legislation would expand its membership and responsibilities and give it a source of funding. It provides a bipartisan mechanism for building a national consensus which involves, of course, the Governors and the States, where the primary responsibility for education has traditionally been in our system of government and will remain. But the National Education Goals Panel is a way for the States to join with the Federal Government and with the local communities to pursue common goals.

This legislation also establishes the National Education Standards and Improvement Council. This is a council that identifies and certifies the voluntary national content and student performance standards. This is a necessary part of the goals process that was established by the Governors several years ago. Standards tell us how we go about reaching the goals; what is meant by being competent in particular core subjects. They give us the yardstick which we can use to tell us whether those goals are being achieved.

Also, standards not only tell the experts this, but they tell the students and the teachers and the parents what is expected of them. Since those standards are clearly intended to be world-class standards, developed with the knowledge of what other countries expect of their young people, they can help keep our American students from falling behind students in other parts of the world.

Our Nation's economic prosperity is linked to an educational system that emphasizes national standards of excellence.

A national system of standards and assessment in conjunction with other reform efforts, such as greater use of educational technology which I will refer to here in a moment, can be a foundation for overall educational reform in order to increase the level of student achievement throughout our country.

Mr. President, I read an interesting study recently which was done at Cornell University which did a study of textbooks used in our public schools over the last several decades. The conclusion of the study was that those textbooks have had the effect of, as they refer to it, dumbing down over that period from the Second World War. This "dumbing down" of our textbooks has been a significant contributor to the decline in the verbal scholastic aptitude test scores over that same period. Low standards, whether they be in textbook writing or in curriculum development or in other instructional materials unfortunately produce dumbed down kids as well as dumbed down textbooks. That is clearly not what we need in this Nation.

We want our children to meet high standards. They are capable of meeting high standards. I have talked to many parents in my home State of New Mexico, and I have yet to meet a single parent who does not want his child or her child to meet high academic standards.

I cannot leave the subject of standards without noting that this legislation also provides that the standards developed by the National Council will be reviewed and approved by the goals panel. The goals panel has adopted a set of principles for itself to guide it in reviewing those standards. Those principles I believe will serve the country well.

Let me say a few words about educational technology. This legislation also contains provisions concerning technology that I believe are absolutely necessary if we are to have a chance of achieving the goals that we are setting for ourselves. The Senator from Massachusetts pointed the direction with the Star Schools Program several years ago. We need to take that one step further. We need to emphasize and help States and local school districts to effectively use technology in providing education.

The administration has placed a high priority on revitalizing education through systemic reform. I strongly believe that without technology as an integral part of that reform activity we will be missing a great opportunity.

I also believe that technology offers a very cost-efficient way for us to provide greater educational opportunities and equity in educational opportunities to all of our students and their teachers.

I am very pleased that the chairman accepted my amendment to ensure that educational reform include a component for technology. These provisions which were originally in Senate bill 1040, the Technology for Education Act of 1993, provisions that we are now taking from that act and putting in this legislation, establish an office of educational technology within the Department of Education to be administered by the director of educational technology. They provide funds for State technology planning grants to incorporate technology into statewide reform activities required by the Goals 2000 legislation.

Last year, under the leadership of the Vice President, the Nation began to deal in a coordinated and a comprehensive way with the opportunities and challenges presented by these rapidly changing technologies. Goals 2000 takes the first step toward making sure that education has a place at the table in discussing the potential uses of technology.

Last October, the House and Senate appropriations conference committee approved funding to begin these activities contingent upon us passing this authorization bill. For fiscal year 1994, the conference committee approved $500,000 to fund the office of educational technology, and an additional $5 million to fund the State technology planning grants which are called for in our legislation.

With these provisions, we are enlisting a grassroots effort within the States to allow teachers, businesses, parents, and students to take steps to alter the traditional educational environment through a more creative use of technology in our schools.

In my home State of New Mexico, I have seen firsthand the tremendous dif-

ference that technology can make. We have many small rural schools in our State, and the distances between the schools and the population centers is sometimes fairly great.

High schools in San Jon, House, and Grady—which are some of the most rural communities in our State—those high schools are taking advanced courses, advanced classes that include advanced placement and language classes from the community college that is over 50 miles away in Clovis, NM. Those classes would not be available to those students were it not for the technology of distance learning. That technology has given those students equal access to the kinds of instruction that students in Albuquerque or Sante Fe are able to take advantage of.

This is one of many examples across the country of how increased application of educational technology can dramatically improve the learning in our schools.

These provisions, which are included in this Goals 2000 legislation, lay the base for further support for uses of technology in education which we have included in Senate bill 1040 that I referred to earlier.

That legislation, Senate bill 1040, which I hope can be on the Senate floor in the near future, provides more Federal grants to staff development, product development, and acquisition of other technology products.

I would like to say a few words about American Indian education as part of this larger bill that is being considered by the Senate today. I want to commend the chairman for adding important provisions to this bill to include a very important segment of our population, American Indian children, their parents, and their tribal leaders.

As a Senator from New Mexico, a State rich in diverse cultures, I believe it is essential that we ensure all segments of our society, from the inner cities of New York to the pueblos of New Mexico, are included in the national effort to attain ambitious goals such as are set out in this legislation.

The chairman accepted major portions of my amendment to ensure that American Indians have a voice in the process of reaching national consensus for educational reform.

I believe that Indian tribes must play a key role in the development of reform plans if we are to ensure that Indian children are able to achieve those goals as our other children attempt to do as well.

Let me say a few words about health education, Mr. President. I want to thank the chairman of the committee again and all members of the committee for their willingness to work with me on a series of very modest changes in the bill regarding age-appropriate comprehensive health education.

The language agreed to by the committee modifies in a very modest way several of the goal objectives. The references to comprehensive sequential health education in Senate bill 1150 are the result of a compromise. I do not believe they should be objectionable to anybody in this body. In my view, we really need to do much more. We need to make a commitment to comprehensive school health education for all of our children.

That is why Senator COHEN and I introduced a bill entitled "Healthy Students-Healthy Schools" in the last Congress, and again in this Congress. We will not stop discussing the issue until legislation containing those provisions is finally enacted.

Over the next several weeks and months, I look forward to working with others on the Labor and Human Resources Committee and with others throughout the Senate toward enactment of the Healthy Students-Healthy Schools Act that Senator COHEN and I introduced.

The language included in the Goals 2000 legislation, and the inclusion of some key provisions on comprehensive school health education in President's Health Security Act, are modest but firm first steps toward more effective health education in our schools.

Restructuring our system of education is not a simple task. We face many challenges.

However, I do believe we are well equipped for that battle. We have a commitment, a strong commitment from our President for educational reform along with many dedicated citizens working together to meet the challenges set forth in the national education goals.

With bipartisan leadership from the goals panel, I am hopeful that that commitment and that work will produce better schools and a better America for all of us.

I strongly urge my colleagues to support this important legislation, and again I congratulate the chairman and the ranking member for their leadership in presenting this to the Senate.

Mr. President, I yield the floor.

ORDER OF PROCEDURE

The ACTING PRESIDENT pro tempore. Under the previous order, the hour of 10:30 having passed, either the Senator from Minnesota [Mr. DURENBERGER] or the Senator from Oregon [Mr. HATFIELD] will be recognized to offer an amendment regarding the flexibility from Federal regulations. There will be 30 minutes for debate with the time equally divided in the usual form. No second-degree amendments will be in order to this amendment.

If there is no objection the pending amendments will be temporarily laid aside.

The Senator from Oregon [Mr. HATFIELD] is recognized.

AMENDMENT NO. 1377

(Purpose: To encourage and assist States, local educational agencies, and schools in their comprehensive educational reform efforts by allowing flexibility in the application of selected Federal statutory or regulatory requirements that present barriers to education restructuring and reform)

Mr. HATFIELD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Oregon [Mr. HATFIELD] (for himself, Mr. DURENBERGER, Mr. PELL, Mr. JEFFORDS, and Mr. GRAHAM) proposes an amendment numbered 1377.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

At the end of section 311, insert the following:

(e) FLEXIBILITY DEMONSTRATION.—

(1) SHORT TITLE.—This subsection may be cited as the "Education Flexibility Partnership Demonstration Act".

(2) PROGRAM AUTHORIZED.—

(A) IN GENERAL.—The Secretary shall carry out an education flexibility demonstration program under which the Secretary authorizes not more than 6 eligible States to waive any statutory or regulatory requirement applicable to any program or Act described in subsection (b), other than requirements described in subsection (c), for such eligible State or any local educational agency or school within such State.

(B) AWARD RULE.—In carrying out subparagraph (A), the Secretary shall select for participation in the demonstration program described in subparagraph (A) three eligible States that each have a population of 3,500,000 or greater and three eligible States that each have a population of less than 3,500,000, determined in accordance with the most recent decennial census of the population performed by the Bureau of the Census.

(C) DESIGNATION.—Each eligible State participating in the demonstration program described in subparagraph (A) shall be known as an "Ed-Flex Partnership State".

(3) ELIGIBLE STATE.—For the purpose of this subsection the term "eligible State" means a State that—

(A) has developed a State improvement plan under section 306 that is approved by the Secretary; and

(B) waives State statutory or regulatory requirements relating to education while holding local educational agencies or schools within the State that are affected by such waivers accountable for the performance of the students who are affected by such waivers.

(4) STATE APPLICATION.—(A) Each eligible State desiring to participate in the education flexibility demonstration program under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. Each such application shall demonstrate that the eligible State has adopted an educational flexibility plan for such State that includes—

(i) a description of the process the eligible State will use to evaluate applications from local educational agencies or schools requesting waivers of—

(I) Federal statutory or regulatory requirements described in paragraph (2)(A); and

(II) State statutory or regulatory requirements relating to education; and

(ii) a detailed description of the State statutory and regulatory requirements relating to education that the eligible State will waive.

(B) The Secretary may approve an application described in subparagraph (A) only if the Secretary determines that such application demonstrates substantial promise of assisting the eligible State and affected local education agencies and schools with in such State in carrying out comprehensive educational reform and otherwise meeting the purposes of this Act, after considering—

(i) the comprehensiveness and quality of the educational flexibility plan described in subparagraph (A);

(ii) the ability of such plan to ensure accountability for the activities and goals described in such plan;

(iii) the significance of the State statutory or regulatory requirements relating to education that will be waived; and

(iv) the quality of the eligible State's process for approving applications for waivers of Federal statutory or regulatory requirements described in paragraph (2)(A) and for monitoring and evaluating the results of such waivers.

(5) LOCAL APPLICATION.—(A) Each local educational agency or school requesting a waiver of a Federal statutory or regulatory requirement described in paragraph (2)(A) and any relevant State statutory or regulatory requirement for an eligible State shall submit an application to such State at such time, in such manner, and containing such information as such State may reasonably require. Each such application shall—

(i) indicate each Federal program affected and the statutory or regulatory requirement that will be waived;

(ii) describe the purposes and overall expected outcomes of waiving each such requirement;

(iii) describe for each school year specific, measurable, educational goals for each local educational agency or school affected by the proposed waiver; and

(iv) explain why the waiver will assist the local educational agency or school in reaching such goals.

(B) An eligible State shall evaluate an application submitted under subparagraph (A) in accordance with the State's educational flexibility plan described in paragraph (4)(A).

(C) An eligible State shall not approve an application for a waiver under this paragraph unless—

(i) the local educational agency or school requesting such waiver has developed a local reform plan that is applicable to such agency or school, respectively; and

(ii) the waiver of Federal statutory or regulatory requirements described in paragraph (2)(A) will assist the local educational agency or school in reaching its educational goals.

(6) MONITORING.—Each eligible State participating in the demonstration program under this subsection shall annually monitor the activities of local education agencies and schools receiving waivers under this subsection and shall submit an annual report regarding such monitoring to the Secretary.

(7) DURATION OF FEDERAL WAIVERS.—(A) The Secretary shall not approve the application of an eligible State under paragraph (4) for a period exceeding 5 years, except that the Secretary may extend such period if the Secretary determines that the eligible State's authority to grant waivers has been effective in enabling such State or affected local educational agencies or schools to carry out their local reform plans.

(B) The Secretary shall periodically review the performance of any eligible State granting waivers of Federal statutory or regulatory requirements described in paragraph (2)(A) and shall terminate such State's authority to grant such waivers if the Secretary determines, after notice and opportunity for hearing, that such State's performance has been inadequate to justify continuation of such authority.

Mr. HATFIELD. Mr. President, at this time I ask unanimous consent to lay aside this amendment that I might make a statement on another part of this bill that does not call for any action by the floor and then return to this amendment to take it up.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I want to just make a few comments regarding the Goals 2000.

I want to thank my colleagues on the Labor Committee for accepting my legislation to establish a seventh national education goal encouraging the involvement of parents and families in education. To borrow a page from Abraham Lincoln: Without the support of parents our schools cannot succeed. With it, they cannot fail. Without parental involvement, the six national education goals will not be attained by the year 2000. The national PTA and the Oregon PTA have my highest praise for helping to provide grassroots support for this measure all across the country.

Again I thank the leadership of the committee for accepting this new national education goal.

Mr. President, I ask unanimous consent that a letter from Senators KENNEDY and KASSEBAUM regarding the parental goal and a copy of the GAO report on ed-flex be printed in the RECORD following my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HATFIELD. Mr. President, we have just visited the "State of the Union" and have outlined some of this country's biggest problems as well as our greatest needs. From crime, education, and welfare reform—to health care and job training—many of the answers to our problems can be traced to inefficiencies in our families, values, and educational systems.

The American family and our children are in severe jeopardy, and I am one Member of the Senate who believes that a solution can be found through education—education as a means to arm parents in their efforts to fight for their children's future, a future that bypasses the lure of drugs and violence. No other single issue can impact our Nation's future more than a well-conceived education system which represents a pathway out of crisis and a means of empowering both parent and child to work together to find a better life within themselves and the greater community.

Education is the foundation on which the soul of a nation is built. Our consideration of education legislation demands our collective and undivided attention. But we must first ask ourselves, what is the appropriate role at the Federal level?

Traditionally, it has been to ensure that the disenfranchised have access to our educational system and to provide resources to ease the path toward an educated life, whether it be through early childhood programs like Head Start or student financial assistance for higher education.

Today, we are considering formalizing another role for Federal involvement: to support the efforts of the States in attaining their reform goals; to encourage voluntary standards in certain subject fields; and to allow States the flexibility to innovate in their uses of Federal funds. I believe this is a logical extension of the Federal role in education, as long as it is permissive and not prescriptive.

Over the past year, we have been telling our constituents that we are facing an educational crisis in this country. The problem has been identified, yet we continue to only repeat what parents and students live with every day. They better than most already know the realities—budget cuts, overcrowding, drugs, high dropout rates, teen pregnancies, and gang violence, to name a few. I charge that it's Congress' turn to draw the line that will connect Federal and State partnerships in combating these trends. We must make the commitment to back up the States—to back up parents and families—and to encourage the positive innovations that are being made at local levels.

The bill before use today was formed with the intent to provide resources for bottom-up education reform in local, State, and Federal partnership. Through the Goals 2000 legislation, the Federal Government is finally inviting parents and families into the education system, rather than just assuming their involvement.

My legislation, S. 1118, to add the role of parents and families to our national education goals, has been included as part of the committee amendment to Goals 2000. In addition, the chairman and the ranking member of the Senate Labor Committee have assured me that this language will survive conference with the House.

Mr. President, at this time I would like to read the new goal and the objectives:

By the year 2000, every school and home will promote partnerships that will increase

parental involvement and participation in promoting the social, emotional, and academic growth of children.

(i) Every State will develop policies to assist local schools and school districts to establish programs for increasing partnerships that respond to the varying needs of parents and the home, including parents of children who are disadvantaged, bilingual or disabled:

(ii) Every school will actively engage parents and families in a partnership which supports the academic work of children at home and shared educational decision-making at school; and

(iii) Parents and families will help to ensure that schools are adequately supported and will hold schools and teachers to high standards of accountability.

There is tremendous support for this important addition. This new goal follows directly from the vigorous work of the Oregon PTA and subsequent meetings in my office with their delegation last March. The national PTA has added its powerful voice in support and has collected grassroots support all across the country for this effort.

Additional endorsements have been received from such organizations as the Council of Great City Schools, the American Association of Administrators, the Council for Exceptional Children, the NAACP, and the National Association for Bilingual Education, among many others. Most importantly, the administration is now supporting this goal and is making public commitments to make this issue a priority—the power of the Federal bully pulpit, whether in the form of the President or the Secretary of Education, can go a long way toward setting expectations in this area.

Why this goal was not included with the other six in the first place remains a mystery to me. From the day the goals were first made public, every teacher in the country could have told us that these goals would not be reached without first providing a means to make education valued in the great majority of homes in this Nation. Many told me.

Classroom teachers should not have the added responsibility to sow the seeds of love, respect, safety, and excitement for learning. These values need to be established in the home, nurtured, and then fostered by our teachers, administrators, and educational systems.

Teachers, schools, and States are making a commitment to help families and children where they can; the Federal Government is striving to make that commitment; parents need to step up and take even more responsibility for their children, and assume the values of responsibility and accountability themselves, and instill these virtues in their children.

Practically all reports dealing with the status of education today list the dramatic changes in family structure as one of the principal causes of educational problems. When over 40 percent of today's schoolchildren will have lived in a single-parent household or are from two-parent families with both parents working, specific efforts must be made to provide for parent-school interaction. The report, "Conditions of Education 1993," issued the Department of Education in July confirms that children who grow up in low-income families or with undereducated parents are often unable to pull out of a cycle of low achievement. Those families need help in interacting with schools.

Whatever the reason for the omission of parental involvement in the original plan, I am pleased that we have the opportunity to rectify this oversight today. The fact is, studies show that good schools exist where good parent-school relationships exist. But schools alone cannot do the job. History has proven the validity of the old African proverb, "It takes an entire village to raise a child." The most reasonable place to start is with partnerships between the family and the school.

Regardless of Congress' action or inaction, States can and are responding to the call for reform on their own without our help. My own State of Oregon enacted the Oregon Education Act for the 21st century in June 1991. This is a remarkably far-reaching mandate for change involving parents, students, education professionals, and members of the business community. Our goal is to have the best educated citizens in the Nation by the year 2000 and a work force equal to any in the world by the year 2010. To accomplish this, early childhood education has been made a top priority coupled with initiatives to bridge the gap between education and the workforce. This program allows for a flexible delivery system, an ongoing public dialogue, procedures to waive inhibiting regulations, and site-based decisionmaking that fits Oregon's needs.

Other States are adopting similar measures to varying degrees, but much more can be done if we do it in concert with one another—the State-Federal partnership in education has a long history of success, and I believe Goals 2000 offers the opportunity to strengthen it even further.

We must ensure that our efforts with this new legislation will recognize the reform that has already taken place in States like mine and others. Reform plans that have been enacted by State legislatures will become official Goals 2000 reform plans once approved by the Secretary of Education. Those States which are already well on board the reform bandwagon must not be asked to slow down.

During this debate, I will seek to clarify that preexisting plans are eligible under the Goals 2000 legislation and, as long as they are broadbased, will generally be approved by the Secretary of Education. I would like to thank Senator SIMPSON and his staff for their assistance with this critical piece of Goals 2000.

Just as parents need flexibility in working with the schools, so, too, must we foster that sense of flexibility in regard to the State-Federal partnership. I am pleased, Mr. President, about the regulatory flexibility provisions included in this bill. I believe we all realize that as new Federal programs are added—categorical or not—to public law, and Federal funds are tied to these programs, we run an increasing risk of loading requirements on schools that inadvertently impede educational achievement.

Programs we design here, with even the best input available, may not address the increasingly diverse educational needs of the students with which schools must contend. To force States, school districts, or even individual schools within the same district to jump through the same set of regulatory hoops can lead to the inefficient use of funds and a subsequent lack of progress. We must make sure that we provide sufficient flexibility to schools so that they may best identify and achieve the results of their program.

I introduced legislation in March 1993 known as the Educational Flexibility Act, S. 525, which gives the Secretary of Education and heads of other Federal agencies the authority to waive inhibiting requirements. The Senate passed similar language as an amendment to America 2000 last Congress, by vote of 95 to 0, but the conference report on the bill never emerged. Since that time, Senator KENNEDY, KASSEBAUM, and I requested that the General Accounting Office report to us on efforts of flexibility going on throughout the country.

I am heartened that many of the provisions of S. 525 have been incorporated into this bill. Still there is much that can be done. In the coming years, we will be insisting that our educators swim in the uncharted and potentially stormy waters of reform. To require them to do so with the weight of unnecessary regulations on their backs is to invite failure or, at best, delay in attaining our goal of preparing children for the future. Today we are signaling schools all across this country that we believe in their abilities to define there own needs and create innovative solutions, and we will help them as much as possible.

We are not going to attain the national education goals if we end up burying our teachers even deeper in paperwork that takes time away from their students. The only reform measures that will ultimately make any difference are those that result in positive changes in the classroom. We must not impede these changes.

We must pay attention. Goals 2000 offers an opportunity to both the Federal Government and the States: The message is simply this: Education reform

is encouraged. The state of the Union—our future—will only be as bright as the intellectual glow that our parents, teachers, and schools can instill in the eyes of our children today. We must start with the root of our problems if we are to effect change in the larger society.

EXHIBIT 1

U.S. SENATE, COMMITTEE ON LABOR AND HUMAN RESOURCES,
Washington, DC, November 2, 1993.

Hon. MARK O. HATFIELD,
U.S. Senate,
Washington, DC.

DEAR MARK: We appreciate your cooperation in working with us on the new parent involvement education goal which will be added to the Senate Goals 2000 bill. We share your views about the importance of parental involvement in a child's education and are committed to ensuring the inclusion of this goal in the final conference bill.

Sincerely,

NANCY LANDON KASSEBAUM,
U.S. Senator.
EDWARD M. KENNEDY,
U.S. Senator.

U.S. GENERAL ACCOUNTING OFFICE,
Washington, DC, November 3, 1993.

Hon. MARK O. HATFIELD,
Ranking Minority Member, Committee on Appropriations, U.S. Senate.

DEAR SENATOR HATFIELD: In order to raise the performance of all of the nation's students, the Congress is considering education reform legislation. The approach it is considering, called systemic reform, involves all levels on the education system—national, state, district, and school—and sets high standards of achievement for all students.[1] A key part of such reform is providing freedom from regulations[2] that, according to experts, can constrain school improvement efforts. Under systemic reform, this regulatory flexibility would be given to schools in exchange for increasing accountability for student achievement.

This letter responds to your request for preliminary findings from our ongoing study of states' regulatory flexibility efforts. You asked for these findings to assist you in considering the Goals 2000: Educate America Act,[3] which would provide grants to states for systemic reform efforts and includes a number of provisions for increasing flexibility in federal education programs.

As part of our study, we visited three states,[4] selected because they (1) were involved in statewide education reform efforts, (2) had provided flexibility to schools with respect to their state regulations, and (3) had included students with special needs in their efforts to provide more regulatory flexibility to schools. Special needs students are those who need special assistance to improve their achievement, such as students who are disadvantaged,[5] have limited proficiency in English, or have disabilities.[6] We reviewed each state's improvement efforts and interviewed state, district, and school officials in the three states. We also met with federal education officials and reviewed studies of systemic reform and state regulatory flexibility efforts.

The regulatory flexibility efforts of the three states we visited varied.

One state had three programs that provided flexibility: two demonstration programs for a limited number of schools and one program for all schools that receive funds for students with special needs. In the first program, schools applied to the state for grants; waivers of state regulations could be requested as part of schools' plans to improve. In the second, schools submitted applications that detailed their improvement plans and, upon approval, were then exempted from most state education regulations. The third program allowed schools the flexibility to combine funds for students with special needs in order to better coordinate services for these students.

The second state had two programs: one that provided regulatory flexibility as a reward to schools whose students had high performance on state achievement tests, and a demonstration program in which a small number of schools were given flexibility over many state regulations in order to give them the freedom to develop new instructional techniques and assessment systems.

The third state completely revised its education system by eliminating many procedural requirements for all schools, such as the prescribed minimum number of daily minutes of instruction, in return for evidence of improved student achievement.

Finally, all three states allowed most schools to request waivers of state regulations on a case-by-case basis, whether or not these schools participated in the states' other regulatory flexibility efforts.

You asked us four specific questions on school reform, which we address as follows:

1. How have schools used regulatory flexibility in their school improvement efforts?

School improvement efforts that used regulatory flexibility provided by the states fell into two general categories: innovative classroom structures and integrated instructional models. Innovative classroom structures included (1) combining students into multigrade groups so that teachers could address the needs of students based on their developmental needs rather than their ages and (2) restructuring the school day to allow schools to schedule longer blocks of time in order to cover subject areas in greater depth and allow teachers more time for planning. Integrated instructional models combined more than one subject into thematic units and included some units taught by teams of teachers. For example, one school integrated different subjects—reading, art, science, and math—into a unit on weather.

To enable schools to try these innovative structures and integrated instructional models, states provided many different kinds of regulatory flexibility. For example, states provided flexibility by (1) waiving regulations relating to class structure, such as the length of the school day and class size restrictions; (2) allowing teachers to teach subjects for which they were not specifically credentialed, such as allowing a mathematics teacher, as part of a team, to teach a thematic unit on social studies; (3) allowing funds to be combined, such as one state that allowed schools to combine most of their funds for students with special needs in order to encourage teachers and administrators to work together in planning programs for these students; and (4) allowing teachers to include students in special programs based on their evaluations of students' needs rather than solely on test results or outside evaluations, such as allowing students whose scores on a reading test were just above the program's cut-off score to be included in a reading program for disadvantaged students.

Many schools, however, chose not to use the regulatory flexibility that was available to them. In all three states, schools were permitted to request waivers from state regulations on a case-by-case basis, but the states received few requests. In one state, about 20 percent of the schools were granted flexibility in return for good performance on standardized tests.[7] However, according to district officials, about half of the schools granted flexibility had not used it to attempt improvement.

Several factors appeared to contribute to whether or not schools took advantage of regulatory flexibility to attempt improvement. Schools that developed plans for improvement as part of a planning process requested many waivers from regulations in several districts we visited. Schools that had not developed plans for improvement may not yet have done enough work to know which regulations were barriers to what they wanted to do, according to state officials. Many schools had been recently required to prepare school improvement plans and, as a result, state officials expected to receive more requests for waivers.

The availability of technical assistance also seemed to make a difference in whether schools took advantage of regulatory flexibility to attempt improvement. Technical assistance included (1) providing examples of innovations, (2) establishing networks of schools involved in reform, and (3) providing schools with information on organizations working on education reform. This assistance, however, was not available to all schools. Although all three states had established centers to assist schools in their improvement efforts, not all schools that requested assistance received it, because funds were limited.

Finally, incentives, and the lack of them, in the designs of the states' programs appeared to affect schools' participation and their willingness to attempt improvement. For example, one state provided an incentive to schools to attempt improvement by giving grants to schools that participated in its demonstration program. In another state, the program that rewarded schools with flexibility for good performance did not provide an incentive for some schools to improve because school officials felt that their programs were already good enough since they had been designated high-performing. In addition, when flexibility was provided on a temporary basis, some school officials were reluctant to make changes that might later be rescinded. For example, if a school decided to increase its class sizes beyond the state requirement and hire more student aides for these larger classes, the school would have to replace some of the aides with state-credentialed teachers if the school lost its eligibility in the program.

2. What kinds of accountability systems have states established to accompany regulatory flexibility?

Providing accountability for student achievement in return for regulatory flexibility is a key element of systemic reform. None of the three states, however, had fully implemented an accountability system that allowed it to both (1) measure the effects of schools' improvements efforts on student achievement and (2) provide consequences to schools: rewards to schools that improve student achievement and assistance to schools that fail to improve. All three states had accountability systems that included statewide student assessments. All three were also developing new assessment systems that would better link assessment to high standards of achievement, although none of them had completed the task. Only one of the states,

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Footnotes at end of article.

however, had developed an accountability system with consequences for all schools, and it had not yet been fully implemented. Another state had not yet included consequences as a part of its accountability system. The third state rewarded schools that had met the program's definition of high achievement by providing the schools with flexibility, but, by design, low-performing schools were not included in the program.

3. How are special needs students affected by states' regulatory flexibility efforts?

To varying degrees, all three states provided regulatory flexibility in their programs for students with special needs. All three allowed flexibility in their programs for disadvantaged students. For example, in one state, requirements for minimum number of minutes of instruction for all students, including disadvantaged students, were waived in all high-performing schools.

Two of the states allowed flexibility in their programs for students with disabilities. In one state, for example, funds for students with disabilities were combined with general funds so that schools could more easily educate all students in regular classrooms. According to district officials, this allowed students with disabilities to be included in the state's new primary program, which combined children from kindergarten through third grade into multigrade classes. State and district officials reported that it was difficult to include programs for students with disabilities in their state regulatory flexibility efforts because of the complexity of special education requirements and the concerns of parents of these students.

All three of the states were struggling with how to provide better accountability for the achievement of students with special needs. All of the states used their assessments to measure the achievement of disadvantaged students. One state, however, had not adapted its assessment for the state's large population of students with limited English proficiency. In addition, one state allowed schools to exempt many students with disabilities from its new assessment system because procedures had not yet been established for making the assessments accessible to these students. Another state had not made it possible for most students with severe disabilities to be assessed.

Two of the states were also working on how to separate the assessment scores of special needs students from total student scores in order to determine how well schools were meeting the needs of these students. For example, officials in one state were concerned that special needs students at high-performing schools might not be achieving as well as other students. The needs of these students could potentially be overlooked because (1) the state did not require that assessment scores for these students be reported separately—only total student achievement was tracked—and (2) no on-site monitoring of schools in the flexibility program was required. In the one state that assessed all students, including those with disabilities, state officials had not yet decided how to separate out the data for reporting the progress of some categories of its students with special needs.

4. What are the lessons from our preliminary findings for the Congress as it considers the Goals 2000: Educate America Act?

As the Congress considers the Goals 2000: Educate America Act, the preliminary findings from our study of states' experiences in granting schools more regulatory flexibility provide some lessons. If the Congress intends flexibility to be used to improve schools, then our results suggest that it should be only one part of congressional efforts to improve student achievement. Although regulatory flexibility can contribute to school improvement, flexibility alone does not always encourage schools to improve. Other state actions, such as providing technical assistance and encouraging schools and districts to develop plans for improvement, can help schools identify approaches for improvement and when flexibility is needed to implement them. Thus, our preliminary findings suggest that federal legislation link flexibility to other specific efforts to help schools plan improvements, as Goals 2000 does.

Our preliminary findings, and a recent GAO report on systemwide reform,[8] also indicate that reform efforts require schools to make a major investment of time and resources. Thus, schools may not take advantage of flexibility that is granted for a limited period of time. The Goals 2000: Educate America Act allows states to apply for waivers from federal requirements for, initially, a maximum of 3 years in the approved House bill and 5 years in the proposed Senate bill. The Congress will need to consider whether the time limit proposed for waivers from federal requirements in Goals 2000 is long enough to (1) encourage schools, districts, and states to invest in major reforms and (2) implement the reforms. In addition, the Congress should consider the potential impact that the renewal process for waivers—including the kinds of evidence of improvement that will be requested by the Secretary of Education—will have on districts' and states' willingness to request waivers.

Goals 2000 recognizes the importance of accountability in its provisions for states to develop and implement assessment systems. Our preliminary findings suggest, however, that states are not yet able to determine the effects of regulatory flexibility on the achievement of many students with special needs. If the Congress intends that regulatory flexibility apply to students with special needs, then school districts and states will need to include these students in their assessment systems, as provided for in Goals 2000. The Congress may need to clarify, however, that the achievement of these students be monitored separately.

We are also sending this letter to the Chairman and Ranking Minority Member, Senate Committee on Labor and Human Resources.

We are continuing work on our study; our forthcoming report will contain more detailed descriptions of regulatory flexibility efforts in the three states we visited. If you have any questions or need additional information, please call me at (202) 512-7014 or Beatrice F. Birman at (202) 512-7008.

Sincerely yours,

LINDA G. MORRA,
Director, Education and Employment Issues.

FOOTNOTES

[1] For a discussion of this approach, see Marshall S. Smith and Jennifer O'Day, "Systemic School Reform," Politics of Education Association Yearbook 1990, pp. 233-267. See also Systemwide Education Reform: Federal Leadership Could Facilitate District-Level Efforts (GAO/HRD-93-97, Apr. 30, 1993).

[2] The term "regulation" refers to a variety of governmental policies, including, but not limited to, regulations. It also refers to statutes, guidelines, rules, policies, and interpretations of these items by local educators and policymakers.

[3] The Goals 2000: Educate America Act refers to titles I-IV of S. 1150, which is currently being considered in the Senate, and H.R. 1804, which was passed by the House of Representatives on October 13, 1993.

[4] The states will be identified in the final report.

[5] The three states we studied defined disadvantaged students as those who were poor, had low achievement on state-required tests, or both.

[6] The majority of students with disabilities are identified as having specific learning disabilities, speech or language impairments, mental retardation, or serious emotional disturbance.

[7] Although other factors were considered, such as attendance and dropout rates, the formula used to determine which schools were high performing was heavily weighted towards the results of a standardized test given to most students in the state.

[8] GAO/HRD-93-97, April 30, 1993.

Now, I would like to direct a few questions to my friend and colleague, the Senator from Massachusetts. It is my understanding that to receive funds under title III of S. 1150 a State must develop or have already developed a school improvement plan. Is this correct?

Mr. KENNEDY. Yes, my colleague from Oregon is correct. Funds will be available during the first year to assist States that wish to develop plans for systemic education improvement. In subsequent years the funds might be used to complete a State's plan or to implement the plan already developed if the application meets the prescribed criteria.

Mr. HATFIELD. I thank the Senator, for this now gets to the heart of my concern. My State of Oregon has already developed an outstanding statewide educational improvement plan which I believe meets the aims of Goals 2000. There are other States in similar situations. Will a State that has developed a plan to restructure its educational system prior to the enactment of this bill, need to develop a new plan in order to receive funds under this act?

Mr. KENNEDY. I thank the Senator from Oregon for recognizing the need to clarify this important point. If a State has already enacted a school reform plan and elects to submit the proposal in order to receive funding for its implementation, the Secretary may approve that plan even if it was not developed in accordance with the exact provisions of this bill.

The Senator from Oregon and I have worked together on many important education issues in the past, and I am sure we are in agreement that the purpose of the bill is to assist State and local efforts not to force States to engage in superfluous effort. This bill specifically states that "Federal funds should be targeted to support State and local initiatives and to leverage State and local resources for designing and implementing systemwide education improvement plans." Preexisting plans will be certified by the Secretary when they are based upon broad-based input from educators and policymakers and if they address the broad issues outlined in the bill.

Mr. HATFIELD. In Oregon, our plan was developed by the State legislature. Other States have gone through similar processes sometimes pursuant to a court order. In some States, State boards of education working through

powers delegated by legislators have also implemented reform efforts. If a State developed a plan through such processes, am I correct in my interpretation that such a plan would be considered to be developed with "broad-based input" as stated in this bill? Is it intended that legislatively enacted plans would usually be acceptable to the Secretary?

Mr. KENNEDY. If a plan is comprehensive, systemic, and directed toward helping all students meet challenging standards, it will be acceptable. In any case, States that have taken the initiative in formulating a viable plan and, in some cases have the implementation procedures underway ought to be complimented and encouraged and in no way penalized for their leadership.

Mr. HATFIELD. I thank the Senator for his remarks. I am in complete agreement with recognizing the actions taken by States such as Oregon as adequate for purposes of Goals 2000 educational reform plans.

AMENDMENT NO. 1377

Mr. HATFIELD. Mr. President, I would like to return now to the amendment that I am proposing.

I am pleased to offer an amendment today on behalf of myself and my colleagues, Senators DURENBERGER, PELL, JEFFORDS, and GRAHAM of Florida, which builds on the education flexibility provisions already included in Goals 2000. We are proposing the Education Flexibility Partnership Act to offer six states an enhanced arrangement in which to try regulatory flexibility.

Senator DURENBERGER and I have been working together, with the assistance of the committee, to ensure that the provisions in Goals 2000 will be of the most possible assistance to States as they embark upon systemic education reform efforts. In that vein, we have worked to guarantee that schools that do not receive funding under Goals 2000 are still eligible for waivers of Federal regulation. We have also improved the accountability provisions in the bill since that is the essence of the trade-off between the States and the Federal Government—we will release the Federal straightjacket in exchange for careful accountability of the results of such waivers.

Under Goals 2000, states apply directly to the Federal Secretary of Education for waivers of regulations. Waivers are limited to a specific list of programs—Chapter 1, Chapter 2, the Eisenhower Math and Science Education Act, the Emergency Immigrant Education Act, Drug-free Schools, and the Carl Perkins Vocational Act, and will not be granted if they relate to the health and safety of our children. In addition, Federal funds must continue to be used to meet the aims of the programs under which they were allocated to the States. While I believe this is an adequate arrangement, I am hopeful that my amendment will allow us to explore another possible route for the granting of education flexibility.

The amendment I am offering today requires the Secretary of Education to establish a demonstration program for six States, which will be known as Ed-Flex Partnership States. Rather than the Secretary of Education making the decisions on waiver applications, this demonstration will allow the Secretary to negotiate an arrangement with six States in which, within certain limitations, the State itself can grant waivers. The effect will be to streamline the granting of regulatory waivers.

In order to qualify for this demonstration, a State must have an approved Goals 2000 improvement plan and must demonstrate a major commitment to waiving State statutory and regulatory requirements. As we all know, many of the truly onerous regulations originate at the State level. This demonstration is designed to support the efforts of States like Oregon, Florida and others which are already waiving State regulations, by adding a Federal waiver tool to their arsenal.

The rationale behind this amendment comes from a report I commissioned from the Government Accounting Office last year. The report tells us that waivers of regulation make the most sense when they are done in concert at the local, State, and Federal level. Allowing the State the ability to make these decisions, pursuant to their agreement with the Secretary, will enhance the innovation and creativity we hope and expect will arise under the education flexibility program. By no means, however, are we giving the states free rein. The Secretary will have full authority to monitor the demonstration States and, after notice and appeal, terminate the authority if necessary. As this is a true demonstration in which we hope to establish a database on which to move forward, we are specifying that three of six States selected have populations below 3.5 million and three have populations above, based on census data.

At this point, I ask unanimous consent to print in the RECORD an opinion by the American Law Division of the Congressional Research Service which affirms that this concept is a proper delegation of authority to State educational agencies as long as guidance is given to them to use in granting waivers.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, DC, November 18, 1993.

To: Hon. MARK HATFIELD; Attention: Sue Hildick.

From: American Law Division.

Subject: Delegation of Regulatory Waiver Authority to State Educational Agencies Under S. 1150.

This is in response to your request for an opinion on the validity of a proposed amendment to S. 1150—the Goals 2000: Educate America Act. Specifically you inquired as to whether amending section 311 of the bill to allow regulatory waiver determinations to be made by the state educational agency rather than the Secretary of Education would constitute a valid delegation of legislative authority. Upon examination of the proposed amendment and relevant judicial precedent, it appears that the provision would properly delegate authority to state educational agencies, if language were included to provide guidance to the state in making waiver determinations.

REGULATORY FLEXIBILITY UNDER S. 1150 AND THE PROPOSED AMENDMENT

Section 311 of the bill establishes a process by which states and local school districts may seek waiver of various Federal statutory and regulatory requirements in order to facilitate the implementation of the state or local education reform plan mandated under Title III. Under the provision, the state educational agency, on behalf of itself, a local educational agency (LEA) or an individual school may apply to the Secretary of Education for waiver for the statutory and regulatory requirements set out under the statutes enumerated in the bill. The Secretary may grant the waiver upon a finding that the requirement "impedes the ability of the state, . . . local agency or school, to carry out the [s]tate or local improvement plan." In addition, the state educational agency must waive or agree to waive similar state requirements.

Essentially, Senator Hatfield's proposal would amend section 311 to authorize the state educational agency to grant regulatory waiver requests made by local school districts and individual schools, pursuant to an "educational flexibility" plan approved by the Secretary. Under the plan, the state would be required to outline the process to be used in evaluating LEA waiver requests. Upon approval of the plan, the state educational agency would be required to transmit a list of the approved LEA applications to the Secretary; conduct an annual audit of the approved plans and include the results of the audit as part of an annual report to the Secretary.

DELEGATION OF WAIVER AUTHORITY TO THE STATE EDUCATIONAL AGENCY

The proposed amendment to section 311 does not appear to raise serious constitutional delegation concerns as the Supreme Court has consistently upheld legislative delegations of authority where the legislation provides some "intelligible principle" to which the recipient of the delegation is to conform.[1] Moreover, the required "principle" apparently need not be narrow or detailed as the Court has upheld congressional delegations containing the broadest of legislative direction, including provisions authorizing a Federal agency to fix "fair and equitable" commodities prices[2]; the Federal Power Act which authorized the Federal Power Commission to determine "just and reasonable" rates[3] and provisions within the Communications Act of 1934 directing the Federal Communications Commission to regulate broadcast licensing "in the public interest".[4]

Thus, Congress' delegation of authority to waive statutory and regulatory requirements under S. 1150, as amended by Senator Hatfield's proposal, would be generally supported by long standing Supreme Court precedent on the issue. However, it would be advisable to include within the proposed

amendment some standard by which the state educational agency would be guided in making its decision to grant LEA waiver requests. For example, the language presently included in section 311 that requires a finding that the particular Federal requirement would "impede the ability of the state, . . . [LEA] or school . . . to carry out the state or local improvement plan" would appear a sufficiently "intelligible principle" to withstand a challenge to the delegation.

[Footnotes at the end of article.]

Just as Congress' ability to delegate its legislative authority has been generally upheld, sufficient precedent can be found to support such delegations to state, local and even private entities to enforce and execute Federal law. For example, in Sunshine Anthracite Coal Co. v. Adkins,[5] the Court upheld provisions within the Bituminous Coal Act of 1937 which authorized the organization of coal producers under the Bituminous Coal Code to fix minimum prices for code members in accordance with stated standards. Prices set by the Code were subject to approval by the National Bituminous Coal Commission, the Federal agency responsible for administering the act. In upholding the statute, the Court noted that the Commission exercised the ultimate authority to determine the prices and maintained "authority and surveillance over the activities of [the organization]."[6]

More recently provisions within the Beef Promotion and Research Act, delegating authority to a private body, have been similarly upheld where supervisory authority was vested in a governmental agency. That act establishes a Cattlemen's Beef Promotion and Research Board, composed of cattle producers and importers, which is authorized to "develop plans or projects of promotion and advertising, research, consumer information, and industry information * * *"[7] Assessments are imposed on cattle producers which are remitted to the Board to implement the program. The program was ultimately upheld in *U.S. v. Frame*[8], where the court found significant the fact that the Secretary of Agriculture was authorized under the act to exercise considerable supervision over the composition and operations of the Board. Specifically, the Secretary selected members of the Board from lists of nominations submitted by producers and importers throughout the country. In addition, the Secretary had approval authority with respect to the Board's budgets, plans or projects, expenditures and contracting activities.[9]

Applying the line of reasoning set out in these decisions, it appears that an amendment delegating waiver authority to the state educational agencies would withstand judicial scrutiny. Similar to the provisions upheld in *Adkins* and *Frame*, the bill would provide the Secretary of Education with significant supervisory authority over the state educational agency in the conduct of its regulatory relief program under section 311, as proposed to be amended, the state educational agency would be required to annually submit, for secretarial review, the results of the performance audits required under the bill. Most significant, subsection (d) authorizes the Secretary to terminate a regulatory waiver, upon a finding that the performance of the waiver recipient has been "inadequate to justify the continuation of the waiver."

Moreover, numerous legislative precedent can be found in which Congress has sought to delegate authority to implement Federal law to the states. For example, the Medical Waste Tracking Act of 1988 authorized the states to impose civil and criminal penalties for violations of the Act "to the same extent as the Administrator" of the Environmental Protection Agency.[10] In addition, many Federal consumer protection statutes contain provisions delegating administrative and enforcement authority to the states, including the Water Pollution Prevention and Control (Clean Water) Act[11]; the Consumer Product Safety Act of 1990[12], the Nutrition Labeling and Education Act of 1990[13]; and the Telephone Consumer Protection Act of 1991.[14]

KEVIN B. GREELY,
Legislative Attorney.

FOOTNOTES

[1] *See J.W. Hampton, Jr. & Co.* v. *United States*, 276 U.S. 394, 409 (1928); *see also Touby* v. *United States*, 111 S.Ct. 1752 (1991); *Mistretta* v. *United States*, 488 U.S. 361 (1989).

[2] *Lichter* v. *United States*, 334 U.S. 742 (1948).

[3] *Federal Power Commission* v. *Hope Natural Gas Co.*, 320 U.S. 591 (1944).

[4] *National Broadcasting Company* v. *United States*, 319 U.S. 190 (1943).

[5] 310 U.S. 381 (1940).

[6] *Id.* at 399.

[7] *See generally* 7 U.S.C. 2901–2911.

[8] 885 F.2d 1119 (3rd Cir. 1989).

[9] *Id.* at 1128–1129. *See also Nobelcraft Industries* v. *Secretary of Labor*, 614 F.2d 199 (9th Cir. 1980) (Upholding provision in the Occupational Safety and Health Act directing the Secretary of Labor to adopt interim standards, in particular areas, adopted by private standards producing organizations); *Schweiker* v. *McClure*, 456 U.S. 188 (1982) (Upholding provision in Part B of the Social Security Act authorizing the use of hearing officers appointed by private carriers to adjudicate Medicare claims).

[10] *See* Pub. L. 100–582.

[11] 33 U.S.C. §1342.

[12] *See* Pub. L. 101–608.

[13] Pub. L. 101–535.

[14] 47 U.S.C. §227.

Mr. HATFIELD. Mr. President, we have done so by indicating that States should not approve waivers for local education agencies or schools unless a reform plan is in place and the waiver will assist the LEA or school in reaching its educational goals.

Mr. President, my colleagues may recall that when we last considered legislation like Goals 2000, it was called America 2000 and it was proposed by President Bush. The legislation ultimately passed the Senate and attached to it was my amendment which provided for an original ed-flex demonstration in six States—that was the highpoint in negotiations at that time which was 2 years ago. The amendment passed 95 to 0 on a rollcall vote here in the Senate.

Today, the Goals 2000 legislation has broad authority for ed-flex for our schools, but still under the same onus of coming to Washington for an answer. The amendment I am offering is leap years ahead of where we were with America 2000—while it is still a demonstration for six States it is an effort by the Federal Government to truly partner with the States and allow them the maximum latitude to reform their schools, at their level.

I would like to thank Senators PELL, JEFFORDS, KENNEDY, and KASSEBAUM for their support and assistance with this amendment. In addition, the Department of Education has been a partner with me in designing this amendment and I would like to particularly thank Mike Cohen of Secretary Riley's staff for his assistance.

At this time, I have completed my opening statement. I see one of my cosponsors, my colleague, the Senator from Minnesota.

Mr. President, I ask for a rollcall vote on this amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HATFIELD. I thank the Chair.

Mr. DURENBERGER. Mr. President, I rise, together with my distinguished colleagues from Oregon, Rhode Island, and Florida to offer the Education Flexibility Partnership Demonstration Act amendment.

My colleague from Oregon has already done an outstanding job in explaining the amendment. I would just like to add some relativity to the amendment and express also my appreciation to the members of the Labor and Human Resources Committee, with whom I enjoy company, and their staffs for their assistance with this amendment as well.

This amendment is completely consistent with the mission of Goals 2000—to reform public education in America through real system reform.

The ed-flex demonstration supports bottom-up reform. Its purpose is to encourage and assist States, school districts, and schools in their reform efforts by allowing States to grant waivers of both Federal and State statutory and regulatory requirements that now present barriers to education restructuring and reform.

Mr. President, educational leaders in Minnesota have told me that the flexibility offered by this amendment is just what States that are on the cutting edge of reform both want and need.

Minnesota has already done a great deal on its own to reduce the volume of input oriented top down State regulation in education and shift the focus of accountability to results—to what students actually learn.

More than 75 school districts in Minnesota—including Rochester and North Branch—have been given broad waivers from State rules and regulations by the State board of education, making it possible to introduce important innovations in schools all across the State.

Minnesota's charter schools law also offers the opportunity for individual schools to operate free from most rules and regulations in exchange for a contract with their school districts that holds each school accountable for improved learner outcomes.

The 1993 Minnesota Legislature approved a proposal that repeals literally hundreds of outdated and cumbersome rules and regulations that have little or nothing to do with what students need to know to get a good job or to be successful in life.

And, finally, the Minnesota Department of Education is now engaged in a major initiative designed to totally refocus accountability for schools in Minnesota away from hours and days and years in the classroom—toward promoting and graduating students on the basis of what they actually learn.

This amendment will further assist States like Minnesota that want to get out from under the burden of Federal rules and regulations that focus on these top down inputs—the outdated, outmoded, unreliable rules—and that—far too often—get in the way of the changes that teachers and principals know would do well for students.

Mr. President, last year Senators HATFIELD, KENNEDY and KASSEBAUM commissioned an ongoing study done by the General Accounting Office which provides a sound rationale for the ed-flex amendment that my colleagues and I are offering. I believe that report has been put in the RECORD by my colleague from Oregon.

The report says that in order to raise the performance of all of the Nation's students, education reform must "involve all levels of the education system—national, State, district, and school—and set high standards of achievement for all students."

A key part of this kind of comprehensive reform is providing freedom from regulations that get in the way of what teachers and parents and others at the local level know needs to be done to change the way we teach and learn.

"Under systemic reform," the GAO study concluded, "this regulatory flexibility would be given to schools in exchange for increasing accountability for student achievement."

Under this amendment, Mr. President, six States will be allowed to participate in the ed-flex demonstration. Three must have a population of over 3.5 million people and three States below that level.

My own State of Minnesota has expressed strong interest in participating in this demonstration. And, our State's Commissioner of Education Linda Powell has informed me that her department is strongly supportive of the opportunities this amendment would provide.

In a recent letter, Commissioner Powell told me:

> We believe that this (amendment) recognizes that the states have individual differences and that, while Congress clearly has the responsibility to set the policy for the nation, because of the unique needs and state direction, the states should be able to operate programs as they see fit as long as they are meeting the policies set by Congress in the Act.
>
> States also need to accept the responsibility to be held accountable for meeting those statutory policies.

Commissioner Powell also said:

> Minnesota recognizes that all learners can achieve and be successful. We also believe that we need to concentrate on the results of learning and not as much on the administrative processes.

Mr. President, this amendment will help teachers, principals and students in States like Minnesota accelerate their education reform efforts. It will allow States to test new forms of accountability needed to meet the high standards that Goals 2000 will now place in law.

I strongly support this amendment and urge my colleagues to lend their support, as well.

Mr. President. I yield the floor.

Mr. JEFFORDS addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Vermont [Mr. JEFFORDS] is recognized.

Mr. JEFFORDS. I will speak briefly.

I rise in support of the amendment of the Senator from Oregon. I think it is an excellent one. He has been an outspoken proponent of regulatory flexibility and I am certainly glad to add my name as a cosponsor.

My colleagues may remember that this amendment, or one similar to it, was passed when we were on a similar bill sometime ago. Let us just hope that this time it will get enacted into law.

The amendment before us allows six States to be designated as ed-flex partnership States. These States would be given authority to waive specific Federal regulations within their State for local education.

I think it is incredible, as we go forward, to fully understand that we have laid out for ourselves a schedule which will be very, very difficult to meet if we are to try to solve the problems of education by the year 2000. So we are going to need the most flexibility, at least in respect to allowing some States, through their own means, without the hindrance of regulation, to be able to establish programs and plans and curricula and whatever else they need in order to make sure that we have a chance at accomplishing the goals which we have set out.

So I am very pleased to be a cosponsor and look forward to supporting this amendment in conference.

Mr. KENNEDY. Mr. President, I too want to thank our colleagues for their initiatives and their strong commitment toward this kind of flexibility.

I think any one of us who has had a chance to talk to teachers and to school principals at the local levels has countless stories about their feelings that they could make an important difference, if only they were given additional degrees of flexibility.

I think all of us are familiar with some of the challenges that we have faced in the past, where we did reduce the kinds of regulations, and some of the resources that we had were diverted to other purposes. The response to that was to put on other rules and other regulations. I think many of us believe that they form a straitjacket in local communities.

This is a very reasonable approach which permits flexibility in the six States. We have included additional flexibility for other States, as well, in terms of the development of their program. We are going to encourage that kind of flexibility and keep a very careful eye on how the scarce resources are utilized. I think all of us are hopeful it will be successful and will be monitoring it closely to be sure those resources are actually utilized in the schools.

There are some areas, obviously, particular commitments that we have in terms of some of the special needs and other rules, that will not be waived, that guarantee certain protections for individual students. But this is, I think, a very useful, important, and constructive idea. I think it should be agreed to by an overwhelming majority and I certainly urge all my colleagues to support it.

The PRESIDING OFFICER (Mr. AKAKA). Senator PELL is recognized.

Mr. PELL. Mr. President, I am pleased to support and cosponsor the amendment offered by Senator HATFIELD. It would establish a demonstration program in six States to test the concept of regulatory flexibility.

This is something we ought to do. Again and again, we hear concern from the State and local level about the constraints placed upon education agencies by onerous Federal regulations. The complaint is often accompanied by an expression of frustration that compliance with Federal regulations often hampers programs from serving children in the way the program was intended. Because of this, I am of the mind that we ought to test whether or not this is, indeed, the actual situation. The best way to do that is through a demonstration program of the nature proposed by the Senator from Oregon.

There are three aspects of the proposed demonstration that are particularly noteworthy. First, it requires that the States meet the original purpose of the program for which they seek regulatory flexibility. This will ensure that the reason behind the program will not be lost, and that the intended services will continue to reach those for whom the program was designed.

Second, the demonstration program requires that the State also look at State regulations. We often find that burdensome regulations are not solely a matter of Federal law; they also extend to State regulations. Therefore, as we move to provide greater regulatory flexibility at the Federal level, we should do the same at the State level.

Third, the demonstration program requires a good mix of participants. It would include both large and small States. This is important in determining whether or not the flexibility is, in any way, tied to the size of the State.

The adequacy of the demonstration program is very definitely enhanced by this provision.

Mr. President, this is a good measure and I urge its passage.

The PRESIDING OFFICER. Who yields time? The Senator from Massachusetts [Mr. KENNEDY] is recognized.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the vote on the amendment, No. 1377, occur at 11:25 today without intervening action. This has been cleared with the Republican manager.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I believe there are others who want to address this issue. As I mentioned before, I certainly hope there will be overwhelming support for this program. Not only did we accept this on our last education bill, but we were able to maintain it in the conference as well. We certainly hope we will be able to do so in this conference as well. The House does not have a comparable report.

I know there are others who want to talk about either this issue or others before the time expires. I just wanted to follow up on my comments from earlier this morning about some of the aspects of this legislation, some of the experiences that have taken place in a number of schools in different parts of the country, and why we are very hopeful this legislation will have, really, a far-reaching impact in strengthening the academic achievement of young people in this country.

I tried earlier today to describe in broader terms what our committee was about and what I think the administration, the Congress, and the Senate, in a bipartisan way, have been about in terms of the young people in this country.

I would like to come back to one of the important—essential—aspects of this legislation, and that is the focus we give to the teachers in our schools. Last spring, I met with a group of some 20 outstanding teachers from Massachusetts. They had been selected from school systems all over our State. It was an extraordinary group of men and women gathered at Boston College just outside of Boston. We had a long, informal conversation. In reviewing this legislation, they absolutely convinced me that we were on the right track. The conversation helps to underscore why the Goals 2000 is right in its emphasis on teacher development. Goals 2000 would allow States to make grants to schools for this purpose. Here are some of the things that the teachers told me.

The personal relationship between teacher and student is about 80 percent of the equation in getting kids to succeed. They reminded both myself and others to think back about our own education. You probably do not remember a textbook or media lab or curriculum, but you do remember a teacher. I think that applies, really, to all of us. It is critical that we give the teacher only the number of students that he or she could get to know, and that would allow him or her to find the key to reaching each student.

Later on, when I visited the school I mentioned, the Fenway High School College at Bunker Hill, just 10 days ago, it was very clear to me that this bond between the kids and the teacher was really what was motivating the kids to stay in school and work hard. I heard it time in and time out, from the kids as well as from the teachers and principals. A teacher told me that he started to call up students after they dropped out of school, and 7 times out of 10, the student's reason was, "Nobody even knew I was there or cared if I stayed." I think this point is really an important one.

The teacher obviously has to be well educated himself or herself to know and understand learning. The teachers I spoke with wanted time to study and learn themselves and not to be overwhelmed by too large classes and too much paperwork. That we heard time in and time out. One of the things we have seen and will continue to see is, when the teachers have some additional time, and when they are given some additional support, in terms of looking at different types of curricula and the opportunity to work together, they are enormously creative and imaginative in really reshaping the school itself. We have dozens of examples of that. During the course of the day, if we have the additional time—we want, obviously to move on to the amendments—but I will go into some detail on it. I think there are some enormously interesting stories.

Teachers want to be able to collaborate more, but they cannot, because there is no time in the school day. They have too much paperwork. They want to be valued. They want to be respected. And they want access to things other professionals have, like telephones. One teacher said there was only one phone in her school for 41 teachers.

Against this background, I might mention that we, all of us, are pleased with the latest interim report of the National Board For Professional Teaching Standards. They are making good progress and they support standards for teachers as well as for everyone else. That is really in harmony with what we are trying to do with the content standards and also the various kinds of evaluations.

We also look at the teacher standards as well. We have the interim report. We are expecting a follow-on report as well, and that has been enormously impressive and it is a part of our whole effort.

I see my colleague, the Senator from Montana. I will continue to give examples when time is available. I see my friend seeking recognition. I yield the floor.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Montana [Mr. BURNS].

Mr. BURNS. I thank the Chair.

(The remarks of Mr. BURNS pertaining to the introduction of S. 1822 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BURNS. I thank my friend, and I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY. Mr. President, I will continue with some examples that were taken in the State of Minnesota, the charter schools, and a couple of schools in Dade County. A number of efforts that they developed has been reported by Tom Toch in the U.S. News article.

I had the opportunity to see these under Superintendent Fernandez, when he was the superintendent in Dade County. He has developed a whole program to promote teacher training and teachers' involvement. He reported that initially when they were hiring teachers, he had a choice of 1 out of 2 teachers to come down into the schools. When he finished the program, in terms of the teacher development, teacher support, and teacher training, he had the choice of 1 out of 7, and he was able to make a judgment and determination toward improving, in a very significant way, the quality of the teachers in the classroom, with all of the attendant implications in terms of students and parents.

Once his program really developed, there was an increasing involvement of parents and, obviously, of the students. They participated in an experiment conducted by the teachers themselves, where both parents and students attended Saturday classes. It was made clear that participation was voluntary, and they thought that both parents and students would not want to come if the students had weak academic achievement. But instead, the classrooms were overcrowded. Students brought the parents and were, in many instances, eager to attend the schools with the active support of the parents, because of the programs they had. One program actually provided a sabbatical to teachers themselves, after they had been teachers in the system for 7 or 8 years, giving them a period of time off so that they could upgrade their own skills, and upgrade other kinds of efforts in that school district which were very creative and innovative and applicable in that particular district.

These were the kinds of initiatives which were very evident, and which I saw personally in Dade County. There

are similar examples in the charter schools in Minnesota which have been reported.

It is important to know that in my own city of Boston, only 62 percent, or 62 cents out of every dollar that is expended on a young person, actually is spent on the classrooms, the students and the teachers. The rest is spent for administrative costs.

Obviously, in terms of the reorganization structure, in terms of the classroom and schools, we are very hopeful that that percentage will change. It is about 60 percent, generally, nationwide.

I think there are important opportunities within this legislation to try and see how there can be a stronger emphasis, with scarce resources, on using funds more effectively in terms of supporting the teachers and the classrooms.

There is a great desire for setting up teacher training in classrooms; clinical schools where teachers are trained, just as doctors are trained in hospitals. Such training would energize the teachers who do the teaching, and really help new teachers and veteran teachers in the schools.

I might say, just getting back to Dade County, that their teacher organizations conduct a mentor program with students in the Dade County system, to interest them in pursuing teaching careers. Teachers bring the students to their various meetings and develop programs to interest some of the ablest, brightest, and youngest students to pursue a career in teaching. This program has paid off in developing a number of very talented, bright, young students who are making an early decision to go into teaching. These teachers, obviously, are from the communities that these schools are serving. That kind of innovativeness had received increasing and broad support.

One of the developments that we have seen at a number of different high schools is the stripping the curriculum of superficial and nonessential courses; the concept of "less is more." Students take so many courses that they do not learn any really well. Too many courses are trivial. We need fewer, longer, more disciplined courses. This is the concept of Ted Sizer and the essential schools. A number of our major cities, including Boston, have those. It is an interesting, historical fact that at the time of the classics and the Renaissance, they generally only taught three courses, sometimes four courses including perhaps philosophy, language, and a basic science course. But there were only three or four courses at that time. In many instances now, we see such a diversity of courses that many of our young people do not have the opportunity to get that kind of focus and get that direction with good teachers to be able to really learn in the basic areas.

This is something that we have seen in a number of the schools. In my city of Boston, they have reduced the number of courses, extended the period of time, and improved the whole learning process, because they now have more time. Less time is focused on the teacher just directing in front of the class, and more time is directed to encouraging a much greater involvement of the students, and that has made an important difference. It is certainly one of those systems that ought to be reviewed by teachers. It may be important for some; it may not work for others, but it is certainly something that has taken place around the country.

Kentucky has pioneered a new kind of testing that is a sharp departure from the multiple choice tests virtually all schools use. These tests include projects that require students to put together what they have learned in several different classes to try to bring together the knowledge that is learned in each class. I have seen a number of classrooms where students, young students in the early grades, are beginning language training, and they are looking at the continents in geography, and then reading about the continents in French, continuously learning the words, and then learning about those continents in other classes, so that there is a tying-in of information that is educationally relevant to students at an early age. It has been interesting to see some of the impressive results that have developed from that process. But continued innovation such as this obviously becomes increasingly complex and difficult. Teachers need to have the time to be able to work through new concepts with other teachers. Perhaps in some grades it would work well, others it might not. But nonetheless, there are some innovative concepts that can work in a variety of different environments.

I see, Mr. President, time has just about expired at this time, so I would suggest the absence of a quorum and indicate that we expect this vote now to commence in the next couple of minutes. We are very hopeful that other Senators who have amendments will come to the floor and indicate their willingness to debate these issues so we can move this whole process along.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Massachusetts suggests the absence of a quorum. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to amendment No. 1377 offered by the Senator from Oregon [Mr. HATFIELD]. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Arizona [Mr. MCCAIN], the Senator from Oklahoma [Mr. NICKLES], and the Senator from Alaska [Mr. STEVENS] are necessarily absent.

The PRESIDING OFFICER (Mr. DECONCINI). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 21 Leg.]

YEAS—97

Akaka	Faircloth	Mathews
Baucus	Feingold	McConnell
Bennett	Feinstein	Metzenbaum
Biden	Ford	Mikulski
Bingaman	Glenn	Mitchell
Bond	Gorton	Moseley-Braun
Boren	Graham	Moynihan
Boxer	Gramm	Murkowski
Bradley	Grassley	Murray
Breaux	Gregg	Nunn
Brown	Harkin	Packwood
Bryan	Hatch	Pell
Bumpers	Hatfield	Pressler
Burns	Heflin	Pryor
Byrd	Helms	Reid
Campbell	Hollings	Riegle
Chafee	Hutchison	Robb
Coats	Inouye	Rockefeller
Cochran	Jeffords	Roth
Cohen	Johnston	Sarbanes
Conrad	Kassebaum	Sasser
Coverdell	Kempthorne	Shelby
Craig	Kennedy	Simon
D'Amato	Kerrey	Simpson
Danforth	Kerry	Smith
Daschle	Kohl	Specter
DeConcini	Lautenberg	Thurmond
Dodd	Leahy	Wallop
Dole	Levin	Warner
Domenici	Lieberman	Wellstone
Dorgan	Lott	Wofford
Durenberger	Lugar	
Exon	Mack	

NOT VOTING—3

McCain	Nickles	Stevens

So the amendment (No. 1377) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mr. JEFFORDS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1375

The PRESIDING OFFICER. The pending business before the Senate is the amendment in the second degree No. 1375 offered by Mr. KENNEDY of Massachusetts.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, we are making good progress, and I appreciate the cooperation.

As to the amendment of the Senator from Connecticut that deals with the issue of violence in schools, I know he is prepared to offer that now. I think it is a very constructive amendment. It is a timely one because there have already been appropriations for this subject to authorization prior to early spring, and there was unanimous consent for that.

Afterward, we will go, hopefully, to the Coats-Lieberman amendment at just about 1 o'clock. There is a 1-hour time limitation on that amendment, and Senator GRASSLEY will follow that. We will try to work that out if we have time now. I know Senator GREGG has an amendment.

We are glad to try to accommodate if we are able to move along the other amendments as well as in terms of time.

We are beginning to move along. We will have Senator HELMS' amendment, which is listed as four different amendments. We are prepared to deal with those as well.

So we are making some good progress. We are grateful for the support.

I think we will have a continued series of votes now periodically, and we hope that our Members will keep close so we do not have to delay voting on amendments and delay the bill.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I wish to send an amendment to the desk.

The PRESIDING OFFICER. The Senator is advised that the pending amendments must be set aside.

Mr. KENNEDY. Mr. President, I ask unanimous consent to set aside the existing amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1378

(Purpose: To help local school systems achieve Goal 6 of the national education goals, which provides that by the year 2000, every school in America will be free of drugs and violence and will offer a disciplined environment conducive to learning, by ensuring that all schools are safe and free of violence)

Mr. DODD. Mr. President, on behalf of myself, Senator KENNEDY, Senator JEFFORDS, Senator PELL, Senator COCHRAN, Senator METZENBAUM, Senator SIMON, Senator WOFFORD, Senator WELLSTONE, Senator MIKULSKI, Senator GLENN, and Senator LIEBERMAN, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for himself, (Mr. KENNEDY, Mr. JEFFORDS, Mr. PELL, Mr. COCHRAN, Mr. METZENBAUM, Mr. SIMON, Mr. WOFFORD, Mr. WELLSTONE, Ms. MIKULSKI, Mr. GLENN, and Mr. LIEBERMAN), proposes an amendment numbered 1378.

Mr. DODD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, insert the following new title:

TITLE ___—SAFE SCHOOLS

SEC. ___01. SHORT TITLE; STATEMENT OF PURPOSE.

(a) SHORT TITLE.—This title may be cited as the "Safe Schools Act of 1993".

(b) STATEMENT OF PURPOSE.—It is the purpose of this title to help local school systems achieve Goal Six of the National Education Goals, which provides that by the year 2000, every school in America will be free of drugs and violence and will offer a disciplined environment conducive to learning, by ensuring that all schools are safe and free of violence.

SEC. ___02. SAFE SCHOOLS PROGRAM AUTHORIZED.

(a) AUTHORITY.—

(1) IN GENERAL.—From funds appropriated pursuant to the authority of subsection (b)(1), the Secretary shall make competitive grants to eligible local educational agencies to enable such agencies to carry out projects and activities designed to achieve Goal Six of the National Education Goals by helping to ensure that all schools are safe and free of violence.

(2) GRANT DURATION AND AMOUNT.—Grants under this title may not exceed—

(A) two fiscal years in duration, except that the Secretary shall not award any new grants in fiscal year 1996 but may make payments pursuant to a 2-year grant which terminates in such fiscal year; and

(B) $3,000,000 in any fiscal year.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated $75,000,000 for fiscal year 1994, $100,000,000 for fiscal year 1995, and such sums as may be necessary for fiscal year 1996, to carry out this title.

(2) RESERVATION.—The Secretary is authorized in each fiscal year to reserve not more than 10 percent of the amount appropriated pursuant to the authority of paragraph (1) to carry out national leadership activities described in section ___06, of which 50 percent of such amount shall be available in such fiscal year to carry out the program described in section ___06(b).

SEC. ___03. ELIGIBLE APPLICANTS.

(a) IN GENERAL.—To be eligible to receive a grant under this title, a local educational agency shall demonstrate in the application submitted pursuant to section ___04(a) that such agency—

(1) serves an area in which there is a high rate of—

(A) homicides committed by persons between the ages 5 to 18, inclusive;

(B) referrals of youth to juvenile court;

(C) youth under the supervision of the courts;

(D) expulsions and suspension of students from school;

(E) referrals of youth, for disciplinary reasons, to alternative schools; or

(F) victimization of youth by violence, crime, or other forms of abuse; and

(2) has serious school crime, violence, and discipline problems, as indicated by other appropriate data.

(b) PRIORITY.—In awarding grants under this title, the Secretary shall give priority to a local educational agency that—

(1) receives assistance under section 1006 of the Elementary and Secondary Education Act of 1965 or meets the criteria described in clauses (i) and (ii) of section 1006(a)(1)(A) of such Act; and

(2) submits an application that assures a strong local commitment to the projects or activities assisted under this title, such as—

(A) the formation of partnerships among the local educational agency, a community-based organization, a nonprofit organization with a demonstrated commitment to or expertise in developing education programs or providing educational services to students or the public, a local law enforcement agency, or any combination thereof; and

(B) a high level of youth participation in such projects or activities.

(c) DEFINITIONS.—For the purpose of this title—

(1) the term "local educational agency" has the same meaning given to such term in section 1471(12) of the Elementary and Secondary Education Act of 1965; and

(2) the term "Secretary" means the Secretary of Education.

SEC. ___04. APPLICATIONS AND PLANS.

(a) APPLICATION.—In order to receive a grant under this title, a local educational agency shall submit to the Secretary an application that includes—

(1) an assessment of the current violence and crime problems in the schools and community to be served by the grant;

(2) an assurance that the applicant has written policies regarding school safety, student discipline, and the appropriate handling of violent or disruptive acts;

(3) a description of the schools and communities to be served by the grant, the projects and activities to be carried out with grant funds, and how these projects and activities will help to reduce the current violence and crime problems in such schools and communities;

(4) if the local educational agency receives funds under Goals 2000: Educate America Act, an explanation of how projects and activities assisted under this title will be coordinated with and support such agency's comprehensive local improvement plan prepared under that Act;

(5) the applicant's plan to establish school-level advisory committees, which include faculty, parents, staff, and students, for each school to be served by the grant and a description of how each committee will assist in assessing that school's violence and discipline problems as well as in designing appropriate programs, policies, and practices to address those problems;

(6) the applicant's plan for collecting baseline and future data, by individual schools, to monitor violence and discipline problems and to measure such applicant's progress in achieving the purpose of this title;

(7) an assurance that grant funds under this title will be used to supplement and not to supplant State and local funds that would, in the absence of funds under this title, be made available by the applicant for the purpose of this title;

(8) an assurance that the applicant will cooperate with, and provide assistance to, the Secretary in gathering statistics and other data the Secretary determines are necessary to assess the effectiveness of projects and activities assisted under this title or the extent of school violence and discipline problems throughout the Nation;

(9) an assurance that the local educational agency has a written policy that prohibits sexual contact between school personnel and a student; and

(10) such other information as the Secretary may require.

(b) PLAN.—In order to receive funds under this title for a second year, a grantee shall submit to the Secretary a comprehensive, long-term, school safety plan for reducing and preventing school violence and discipline problems. Such plan shall contain—

(1) a description of how the grantee will coordinate its school crime and violence prevention efforts with education, law-enforce-

ment, judicial, health, social service, and other appropriate agencies and organizations serving the community; and

(2) in the case that the grantee receives funds under the Goals 2000: Educate America Act, an explanation of how the grantee's comprehensive plan under this subsection is consistent with and supports its comprehensive local improvement plan prepared under that Act, if such explanation differs from that provided in the grantee's application under that Act.

SEC. ___05. USE OF FUNDS.

(a) USE OF FUNDS.—

(1) IN GENERAL.—A local educational agency shall use grant funds received under this title for one or more of the following activities:

(A) Identifying and assessing school violence and discipline problems, including coordinating needs assessment activities and education, law-enforcement, judicial, health, social service, and other appropriate agencies and organizations.

(B) Conducting school safety reviews or violence prevention reviews of programs, policies, practices, and facilities to determine what changes are needed to reduce or prevent violence and promote safety and discipline.

(C) Planning for comprehensive, long-term strategies for addressing and preventing school violence and discipline problems through the involvement and coordination of school programs with other education, law-enforcement, judicial, health, social service, and other appropriate agencies and organizations.

(D) Training school personnel in programs of demonstrated effectiveness in addressing violence, including violence prevention, conflict resolution, anger management, peer mediation, and identification of high-risk youth.

(E) Community education programs, including video- and technology-based projects, informing parents, businesses, local government, the media and other appropriate entities about—

(i) the local educational agency's plan to promote school safety and reduce and prevent school violence and discipline problems; and

(ii) the need for community support.

(F) Coordination of school-based activities designed to promote school safety and reduce or prevent school violence and discipline problems with related efforts of education, law-enforcement, judicial, health, social service, and other appropriate agencies and organizations.

(G) Developing and implementing violence prevention activities, including—

(i) conflict resolution and social skills development for students, teachers, aides, other school personnel, and parents;

(ii) disciplinary alternatives to expulsion and suspension of students who exhibit violent or anti-social behavior;

(iii) student-led activities such as peer mediation, peer counseling, and student courts; or

(iv) alternative after-school programs that provide safe havens for students, which may include cultural, recreational, and educational and instructional activities.

(H) Educating students and parents regarding the dangers of guns and other weapons and the consequences of their use.

(I) Developing and implementing innovative curricula to prevent violence in schools and training staff how to stop disruptive or violent behavior if such behavior occurs.

(J) Supporting "safe zones of passage" for students between home and school through such measures as Drug- and Weapon-Free School Zones, enhanced law enforcement, and neighborhood patrols.

(K) Counseling programs for victims and witnesses of school violence and crime.

(L) Minor remodeling to promote security and reduce the risk of violence, such as removing lockers, installing better lights, and upgrading locks.

(M) Acquiring and installing metal detectors and hiring security personnel.

(N) Reimbursing law enforcement authorities for their personnel who participate in school violence prevention activities.

(O) Evaluating projects and activities assisted under this title.

(P) The cost of administering projects or activities assisted under this title.

(Q) Other projects or activities that meet the purpose of this title.

(2) LIMITATION.—A local educational agency may use not more than—

(A) a total of 10 percent of grant funds received under this title in each fiscal year for activities described in subparagraphs (J), (L), (M), and (N) of paragraph (1); and

(B) 5 percent of grant funds received under this title in each fiscal year for activities described in subparagraph (P) of paragraph (1).

(3) PROHIBITION.—A local educational agency may not use grant funds received under this title for construction.

SEC. ___06. NATIONAL LEADERSHIP.

(a) IN GENERAL.—To carry out the purpose of this title, the Secretary is authorized to use funds reserved under section ___02(b)(2) to conduct national leadership activities such as research, program development and evaluation, data collection, public awareness activities, training and technical assistance, dissemination (through appropriate research entities assisted by the Department of Education) of information on successful projects, activities, and strategies developed pursuant to this title, and peer review of applications under this title. The Secretary may carry out such activities directly, through interagency agreements, or through grants, contracts or cooperative agreements.

(b) NATIONAL MODEL CITY.—The Secretary shall designate the District of Columbia as a national model city and shall provide funds made available pursuant to section ___02(b)(2) in each fiscal year to a local educational agency serving the District of Columbia in an amount sufficient to enable such agency to carry out a comprehensive program to address school and youth violence.

SEC. ___07. NATIONAL COOPERATIVE EDUCATION STATISTICS SYSTEM.

Subparagraph (A) of section 406(h)(2) of the General Education Provisions Act (20 U.S.C. 1221e–1(h)(2)(A)) is amended—

(1) in clause (vi), by striking "and" after the semicolon; and

(2) by adding after clause (vii) the following new clause:

"(viii) school safety policy, and statistics on the incidents of school violence; and".

SEC. ___08. COORDINATION OF FEDERAL ASSISTANCE.

The Attorney General, through the Coordinating Council on Juvenile Justice and Delinquency Prevention of the Department of Justice, shall coordinate the programs and activities carried out under this Act with the programs and activities carried out by the departments and offices represented within the Council that provide assistance under other law for purposes that are similar to the purpose of this Act, in order to avoid redundancy and coordinate Federal assistance, research, and programs for youth violence prevention.

SEC. ___09. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect on the date of enactment of this Act.

Mr. DODD. Mr. President, I have a statement I want to make on this amendment, but Senator CAROL MOSELEY-BRAUN of Illinois has some obligations she needs to attend to. She has a second-degree amendment that she cares to offer at this time.

So I will withhold making my statement at this juncture and yield to the Senator from Illinois for the purpose of offering the amendment.

The PRESIDING OFFICER. The Senator from Illinois.

Ms. MOSELEY-BRAUN. I thank you very much, and my thanks to the Senator from Connecticut.

I have a statement that I would like to make in support of this amendment, but Senator BEN NIGHTHORSE CAMPBELL has an even more pressing engagement, so I would like to first defer to him as a cosponsor of the amendment.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. CAMPBELL. Thank you, Mr. President; and I thank my colleague from Illinois.

I did not know the amendment was coming up this quickly, so I am sorry that I have to press forward.

I rise in support of this amendment. I think it is an amendment that can be very easily misread and misconstrued in this day of tight budgets.

As many of my colleagues know, in my home State of Colorado, I have been trying to work with inner-city gang violence and spend a good deal of my time and evenings in that city visiting with gang members themselves. I see this as an extremely important amendment.

Just yesterday, our Senate Chaplain had made some arrangements, in fact, to bring some youngsters from Los Angeles, Long Beach, and Denver who were active members of gangs to be able to come to the gallery in the Senate and watch our proceedings.

Today, some of them are over on the House side involved in a hearing on violence and victims' reactions to violence. This morning, they went to the National Cathedral, to the National Prayer Breakfast, in some hopes that some would understand that there is a much bigger lifestyle out there than being involved in gangs.

I had a chance to meet with them yesterday. I talked to them about the inner-city programs, about the midnight basketball programs. They tell me it is one of few alternatives to being on the streets, being involved in that program in Denver, CO. It is highly successful.

There have been a number of independent reports that say gang activi-

ties in public housing has decreased; that many players have found permanent jobs; that many players have completed GED requirements. Certainly those who believe in both rehabilitation and offering alternatives to street violence support this amendment by CAROL MOSELEY-BRAUN.

We know that we are not going to find all the answers on a basketball court, but certainly it has to be one of the answers in providing alternative things to late-night activities.

I, myself, was a product of a publicly funded sports program and often think that perhaps if I had not had those opportunities, I would be in a different kind of institution now than the U.S. Senate.

But certainly we can recognize, in a time of tightening budgets, that it is much more cost effective, in terms of dollars and societal trauma, to put youngsters in gyms rather than in prisons.

We have already proven we can be tough on the crime bill. I hope in this bill we can also prove we are smarter, also.

I just wanted to rise to offer my support to my colleague, Senator MOSELEY-BRAUN, and to congratulate her on bringing this amendment to the floor.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

AMENDMENT NO. 1379 TO AMENDMENT NO. 1378

(Purpose: To amend section 520 of the Cranston-Gonzalez National Affordable Housing Act to authorize the Secretary of Housing and Urban Development to make grants to establish midnight basketball league training and partnership programs incorporating employment counseling, job training, and other educational activities for residents of public housing and federally assisted housing and other low-income families)

Ms. MOSELEY-BRAUN. Mr. President, I send to the desk an amendment cosponsored by Senator CAMPBELL, Senator SIMON, Senator LAUTENBERG, and Senator ROBB, that is designed to help our Nation meet the second national educational goal by increasing educational opportunities for youth and young adults who live in public and public-assisted housing.

The PRESIDING OFFICER. Will the Senator send the amendment to the desk?

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Illinois [Ms. MOSELEY-BRAUN], for herself, Mr. CAMPBELL, Mr. SIMON, Mr. LAUTENBERG, and Mr. ROBB proposes an amendment numbered 1379 to amendment No. 1378.

Ms. MOSELEY-BRAUN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the amendment, insert the following:

TITLE ___—MIDNIGHT BASKETBALL LEAGUE TRAINING AND PARTNERSHIP

SEC. ___01. SHORT TITLE.

This title may be cited as the "Midnight Basketball League Training and Partnership Act".

SEC. ___02. GRANTS FOR MIDNIGHT BASKETBALL LEAGUE TRAINING AND PARTNERSHIP PROGRAMS.

Section 520 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 11903a) is amended—

(1) in the section heading by inserting "**and assisted**" after "**public**";

(2) in the subsection heading for subsection (a), by inserting "PUBLIC HOUSING" before "YOUTH"; and

(3) by adding at the end the following new subsection:

"(l) MIDNIGHT BASKETBALL LEAGUE TRAINING AND PARTNERSHIP PROGRAMS.—

"(1) AUTHORITY.—The Secretary of Housing and Urban Development shall make grants, to the extent that amounts are approved in appropriations Acts under paragraph (13), to—

"(A) eligible entities to assist such entities in carrying out midnight basketball league programs meeting the requirements of paragraph (4); and

"(B) eligible advisory entities to provide technical assistance to eligible entities in establishing and operating such midnight basketball league programs.

"(2) ELIGIBLE ENTITIES.—

"(A) IN GENERAL.—Subject to subparagraph (B), grants under paragraph (1)(A) may be made only to the following eligible entities:

"(i) Entities eligible under subsection (b) for a grant under subsection (a).

"(ii) Nonprofit organizations providing employment counseling, job training, or other educational services.

"(iii) Nonprofit organizations providing federally assisted low-income housing.

"(B) PROHIBITION ON SECOND GRANTS.—A grant under paragraph (1)(A) may not be made to an eligible entity if the entity has previously received a grant under such paragraph, except that the Secretary may exempt an eligible advisory entity from the prohibition under this subparagraph in extraordinary circumstances.

"(3) USE OF GRANT AMOUNTS.—Any eligible entity that receives a grant under paragraph (1)(A) may use such amounts only—

"(A) to establish or carry out a midnight basketball league program under paragraph (4);

"(B) for salaries for administrators and staff of the program;

"(C) for other administrative costs of the program, except that not more than 5 percent of the grant amount may be used for such administrative costs; and

"(D) for costs of training and assistance provided under paragraph (4)(I).

"(4) PROGRAM REQUIREMENTS.—Each eligible entity receiving a grant under paragraph (1)(A) shall establish a midnight basketball league program as follows:

"(A) The program shall establish a basketball league of not less than 8 teams having 10 players each.

"(B) Not less than 50 percent of the players in the basketball league shall be residents of federally assisted low-income housing or members of low-income families (as such term is defined in section 3(b) of the United States Housing Act of 1937).

"(C) The program shall be designed to serve primarily youths and young adults from a neighborhood or community whose population has not less than 2 of the following characteristics (in comparison with national averages):

"(i) A substantial problem regarding use or sale of illegal drugs.

"(ii) A high incidence of crimes committed by youths or young adults.

"(iii) A high incidence of persons infected with the human immunodeficiency virus or sexually transmitted diseases.

"(iv) A high incidence of pregnancy or a high birth rate, among adolescents.

"(v) A high unemployment rate for youths and young adults.

"(vi) A high rate of high school drop-outs.

"(D) The program shall require each player in the league to attend employment counseling, job training, and other educational classes provided under the program, which shall be held immediately following the conclusion of league basketball games at or near the site of the games and at other specified times.

"(E) The program shall serve only youths and young adults who demonstrate a need for such counseling, training, and education provided by the program, in accordance with criteria for demonstrating need, which shall be established by the Secretary, in consultation with the Advisory Committee.

"(F) The majority of the basketball games of the league shall be held between the hours of 10:00 p.m. and 2:00 a.m. at a location in the neighborhood or community served by the program.

"(G) The program shall obtain sponsors for each team in the basketball league. Sponsors shall be private individuals or businesses in the neighborhood or community served by the program who make financial contributions to the program and participate in or supplement the employment, job training, and educational services provided to the players under the program with additional training or educational opportunities.

"(H) The program shall comply with any criteria established by the Secretary, in consultation with the Advisory Committee established under paragraph (9).

"(I) Administrators or organizers of the program shall receive training and technical assistance provided by eligible advisory entities receiving grants under paragraph (8).

"(5) GRANT AMOUNT LIMITATIONS.—

"(A) PRIVATE CONTRIBUTIONS.—The Secretary may not make a grant under paragraph (1)(A) to an eligible entity that applies for a grant under paragraph (6) unless the applicant entity certifies to the Secretary that the entity will supplement the grant amounts with amounts of funds from non-Federal sources, as follows:

"(i) In each of the first 2 years that amounts from the grant are disbursed (under subparagraph (E)), an amount sufficient to provide not less than 35 percent of the cost of carrying out the midnight basketball league program.

"(ii) In each of the last 3 years that amounts from the grant are disbursed, an amount sufficient to provide not less than 50 percent of the cost of carrying out the midnight basketball league program.

"(B) NON-FEDERAL FUNDS.—For purposes of this paragraph, the term 'funds from non-Federal sources' includes amounts from nonprofit organizations, public housing agencies, States, units of general local government, and Indian housing authorities, private contributions, any salary paid to staff (other than from grant amounts under paragraph (1)(A)) to carry out the program of the eligible entity, in-kind contributions to

carry out the program (as determined by the Secretary after consultation with the Advisory Committee), the value of any donated material, equipment, or building, the value of any lease on a building, the value of any utilities provided, and the value of any time and services contributed by volunteers to carry out the program of the eligible entity.

"(C) PROHIBITION ON SUBSTITUTION OF FUNDS.—Grant amounts under paragraph (1)(A) and amounts provided by States and units of general local government to supplement grant amounts may not be used to replace other public funds previously used, or designated for use, under this section.

"(D) MAXIMUM AND MINIMUM GRANT AMOUNTS.—

"(i) IN GENERAL.—The Secretary may not make a grant under paragraph (1)(A) to any single eligible entity in an amount less than $55,000 or exceeding $130,000, except as provided in clause (ii).

"(ii) EXCEPTION FOR LARGE LEAGUES.—In the case of a league having more than 80 players, a grant under paragraph (1)(A) may exceed $130,000, but may not exceed the amount equal to 35 percent of the cost of carrying out the midnight basketball league program.

"(E) DISBURSEMENT.—Amounts provided under a grant under paragraph (1)(A) shall be disbursed to the eligible entity receiving the grant over the 5-year period beginning on the date that the entity is selected to receive the grant, as follows:

"(i) In each of the first 2 years of such 5-year period, 23 percent of the total grant amount shall be disbursed to the entity.

"(ii) In each of the last 3 years of such 5-year period, 18 percent of the total grant amount shall be disbursed to the entity.

"(6) APPLICATIONS.—To be eligible to receive a grant under paragraph (1)(A), an eligible entity shall submit to the Secretary an application in the form and manner required by the Secretary (after consultation with the Advisory Committee), which shall include—

"(A) a description of the midnight basketball league program to be carried out by the entity, including a description of the employment counseling, job training, and other educational services to be provided;

"(B) letters of agreement from service providers to provide training and counseling services required under paragraph (4) and a description of such service providers;

"(C) letters of agreement providing for facilities for basketball games and counseling, training, and educational services required under paragraph (4) and a description of the facilities;

"(D) a list of persons and businesses from the community served by the program who have expressed interest in sponsoring, or have made commitments to sponsor, a team in the midnight basketball league; and

"(E) evidence that the neighborhood or community served by the program meets the requirements of paragraph (4)(C).

"(7) SELECTION.—The Secretary, in consultation with the Advisory Committee, shall select eligible entities that have submitted applications under paragraph (6) to receive grants under paragraph (1)(A). The Secretary, in consultation with the Advisory Committee, shall establish criteria for selection of applicants to receive such grants. The criteria shall include a preference for selection of eligible entities carrying out midnight basketball league programs in suburban and rural areas.

"(8) TECHNICAL ASSISTANCE GRANTS.—Technical assistance grants under paragraph (1)(B) shall be made as follows:

"(A) ELIGIBLE ADVISORY ENTITIES.—Technical assistance grants may be made only to entities that—

"(i) are experienced and have expertise in establishing, operating, or administering successful and effective programs for midnight basketball and employment, job training, and educational services similar to the programs under paragraph (4); and

"(ii) have provided technical assistance to other entities regarding establishment and operation of such programs.

"(B) USE.—Amounts received under technical assistance grants shall be used to establish centers for providing technical assistance to entities receiving grants under paragraph (1)(A) of this subsection and subsection (a) regarding establishment, operation, and administration of effective and successful midnight basketball league programs under this subsection and subsection (c)(3).

"(C) NUMBER AND AMOUNT.—To the extent that amounts are provided in appropriations Acts under paragraph (13)(B) in each fiscal year, the Secretary shall make technical assistance grants under paragraph (1)(B). In each fiscal year that such amounts are available the Secretary shall make 4 such grants, as follows:

"(i) 2 grants shall be made to eligible advisory entities for development of midnight basketball league programs in public housing projects.

"(ii) 2 grants shall be made to eligible advisory entities for development of midnight basketball league programs in suburban or rural areas.

Each grant shall be in an amount not exceeding $25,000.

"(9) ADVISORY COMMITTEE.—The Secretary of Housing and Urban Development shall appoint an Advisory Committee to assist the Secretary in providing grants under this subsection. The Advisory Committee shall be composed of not more than 7 members, as follows:

"(A) Not less than 2 individuals who are involved in managing or administering midnight basketball programs that the Secretary determines have been successful and effective. Such individuals may not be involved in a program assisted under this subsection or a member or employee of an eligible advisory entity that receives a technical assistance grant under paragraph (1)(B).

"(B) A representative of the Center for Substance Abuse Prevention of the Public Health Service, Department of Health and Human Services, who is involved in administering the grant program for prevention, treatment, and rehabilitation model projects for high risk youth under section 509A of the Public Health Service Act (42 U.S.C. 290aa-8), who shall be selected by the Secretary of Health and Human Services.

"(C) A representative of the Department of Education, who shall be selected by the Secretary of Education.

"(D) A representative of the Department of Health and Human Services, who shall be selected by the Secretary of Health and Human Services from among officers and employees of the Department involved in issues relating to high-risk youth.

"(10) REPORTS.—The Secretary shall require each eligible entity receiving a grant under paragraph (1)(A) and each eligible advisory entity receiving a grant under paragraph (1)(B) to submit to the Secretary, for each year in which grant amounts are received by the entity, a report describing the activities carried out with such amounts.

"(11) STUDY.—To the extent amounts are provided under appropriation Acts pursuant to paragraph (13)(C), the Secretary shall make a grant to one entity qualified to carry out a study under this paragraph. The entity shall use such grant amounts to carry out a scientific study of the effectiveness of midnight basketball league programs under paragraph (4) of eligible entities receiving grants under paragraph (1)(A). The Secretary shall require such entity to submit a report describing the study and any conclusions and recommendations resulting from the study to the Congress and the Secretary not later than the expiration of the 2-year period beginning on the date that the grant under this paragraph is made.

"(12) DEFINITIONS.—For purposes of this subsection:

"(A) The term 'Advisory Committee' means the Advisory Committee established under paragraph (9).

"(B) The term 'eligible advisory entity' means an entity meeting the requirements under paragraph (8)(A).

"(C) The term 'eligible entity' means an entity described under paragraph (2)(A).

"(D) The term 'federally assisted low-income housing' has the meaning given the term in section 5126 of the Public and Assisted Housing Drug Elimination Act of 1990.

"(13) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

"(A) for grants under paragraph (1)(A), $2,650,000 in each of fiscal years 1994 and 1995;

"(B) for technical assistance grants under paragraph (1)(B), $100,000 in each of fiscal years 1994 and 1995; and

"(C) for a study grant under paragraph (11), $250,000 in fiscal year 1994.".

SEC. ___03. PUBLIC HOUSING MIDNIGHT BASKETBALL LEAGUE PROGRAMS.

Section 520(c) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C 11903a(c)) is amended by adding at the end the following new paragraph:

"(3) MIDNIGHT BASKETBALL LEAGUE PROGRAMS.—Notwithstanding any other provision of this subsection and subsection (d), a grant under this section may be used to carry out any youth sports program that meets the requirements of a midnight basketball league program under subsection (l)(4) (not including subparagraph (B) of such subsection) if the program serves primarily youths and young adults from the public housing project in which the program assisted by the grant is operated.".

Ms. MOSELEY-BRAUN. This amendment would authorize less than $6 million for the development of new and existing midnight basketball leagues which serve high school dropouts and students at risk of dropping out.

Now, I want to say to my colleagues, the name midnight basketball is, in some regards, misleading. Although midnight basketball sounds like a recreational program, in fact, it is actually an educational, crime prevention, and socializing program designed to provide young people with alternatives to the street and alternatives to crime.

Midnight basketball has worked in over 41 communities across the United States. It has promoted youth development by requiring leagues to form public and private partnerships with local companies.

Under this amendment, midnight basketball leagues would be eligible for

grants ranging from $55,000 to $130,000—spread out over 5 year periods.

Leagues would have to provide 35 percent in matching non-Federal funds for the first 2 years, and 50 percent in matching funds thereafter.

In Chicago, private sponsors have not only contributed funds to help finance the leagues and teams, they have also helped midnight basketball leagues offer educational programs including one-on-one tutorial sessions and GED classes which league players are required to attend after each game.

Private sponsors have also served as important adult mentors and role models for the young people living in housing projects in the city of Chicago.

Mr. President, midnight basketball leagues also help prevent crime by requiring that a majority of midnight basketball games be played during the hours when most youth crimes are committed—10 p.m. to 2 a.m.

As a result, midnight basketball leagues in Chicago and elsewhere have successfully assigned rival gang members to the same teams—effecting truces both on and off the court.

I am proud to say that many league players in Chicago have also recently completed their GED requirements and that none of them were in trouble with the law during the time they were involved in this program.

In Chicago, midnight basketball leagues have been able to serve 80 youngsters a year at a cost of about $85,000. It costs about that much to incarcerate one juvenile for 2 years.

If midnight basketball helps keep even one of the participating young people out of our criminal justice system, this program will have served the taxpayers very well.

Mr. President, midnight basketball has been a real success in Chicago and in 40 other communities across the country where leagues have already been formed.

In fact, NBC Nightly News reported last November 4 that 20 of the 150 participants in the Camden, NJ, midnight basketball league are either in college or on their way to college.

This program can help us achieve one of the goals of the Goals 2000: Educate America Act—achieving a 90-percent graduation rate—by giving youth and young adults an opportunity to be socialized and educated in a context in which there is adult supervision and involvement.

I want to share for a moment, Mr. President, my own experience with the approach that is represented in this program, because, as I said, the title "midnight basketball" is misleading.

The midnight basketball program essentially uses basketball as an opportunity, an opportunity to provide tutoring, an opportunity to provide counseling, an opportunity to show youth and young adults that they have other options than being out on the streets.

Mr. President, I was a dropout for awhile in my young life. I managed to get a job working in public housing projects which was considered to be a very good job at the time.

But my role was to supervise young people in a program that was much like the midnight basketball program. I was a supervisor, but I guess by osmosis, the message that was being communicated to these young people spilled over to me. As a result, I was then convinced that it did make sense to go back to school; it did make sense to try to reach broader horizons; it did make sense to try to make something of myself; it did make sense to try to give something back to my community.

And so, having seen programs like midnight basketball on a very personal level, I became an advocate of the midnight basketball approach even before it was called that.

Now we have seen the midnight basketball approach work—targeting our young people who are the most neglected, the most at risk of dropping out, the most at risk of hopelessness, the most at risk of not having a gainful, productive activity in the afterschool hours. I ask the Senate to lend its support this afternoon to the midnight basketball approach—an innovative, novel approach which involves all sectors of the community in meeting the needs of young men and women.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I am pleased to support the amendment offered by our colleague from Illinois. I would point out we have a very successful midnight basketball program in Bridgeport, CT. It has been very successful and has achieved many of the same results our colleague from Illinois has identified in her amendment. I think this is a fine addition to our proposal on safe schools and urge the adoption of that amendment.

The PRESIDING OFFICER (Mr. FEINGOLD). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I also commend our friend and colleague from Illinois. I had an opportunity to spend an afternoon with those law enforcement individuals in Boston who are assigned to the gangs. They were very strong in their commitment to deal with those individual members of the gangs that were difficult and violent, and had that proclivity. But they were also equally supportive of trying to intervene with this kind of program so individuals would have alternatives to gang violence. It is completely consistent with what has been accepted in the Senate in the omnibus crime bill.

I commend the Senator for bringing this up. All of us understand we do not utilize our schools, whether they are in the urban or rural community, nearly to the extent we should with the range of activities. This is a demonstrated successful program, and I thank her for these additions. Hopefully, we will have an acceptance of the amendment.

Mr. PELL. I would just like to express a word of support for the amendment. It is an excellent one. It is a job that needs to be done and the amendment should be agreed to.

Mr. JEFFORDS. Mr. President, I certainly believe this kind of program could be very beneficial and I have had no objection raised on this side of the aisle.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I commend my colleague from Illinois, and at an appropriate moment I will ask for adoption of the amendment. But in the meantime I would like to make, if I could, a general statement on the underlying amendment, that is the safe schools amendment.

I am offering this safe schools amendment. I wish it were not necessary. I wish this were something that would not have to be a part of the Goals 2000, but I think all of us in this Chamber, regardless of where we come from, are painfully aware of what is happening.

Even in the most secure neighbors, it seems, violence in our schools has become a fact of life—tragically. The amendment addresses the sixth goal as stated in the Goals 2000 proposal, going back to the conference in Virginia initiated by President Bush and supported by Governors and others at the time. That sixth goal states that all of our schools should be safe and secure.

This amendment which I bring to the floor has the cosponsorships I have mentioned of a broad spectrum of our colleagues on both sides of the aisle. And I ask unanimous consent Senator DECONCINI of Arizona be included as cosponsor as well.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. It responds to the growing crisis of violence in our Nation's schools. This measure will help our schools protect their students and preserve a learning environment free from violence.

This is a problem that would have been inconceivable only a few short years ago. But it is a problem that has now grown so serious that it demands a Federal response. The Safe Schools Act that I am proposing today will be a major component of this response. Much of the answer resides in our States and localities. We do not mandate specifically in each instance what a State or local school district ought to do. But we give them broad authority to come up with ideas and sanctions and proposals that would meet the unique circumstances of these districts and of these States, again rein-

forcing the underlying principle associated with this legislation that the Senator from Massachusetts has brought to the floor, and that is flexibility: Allow our communities to respond in a fashion they deem appropriate.

We need this legislation because, for far too many of our Nation's children, the fear of violence rather than the challenge of learning has become the reality of each school day. Let me cite a few examples, some of which my colleagues will be painfully aware of.

Just a few city blocks from where we gather in this Chamber, the U.S. Senate, gunfire broke out only a few days ago in the hallways of Dunbar High School, followed by more shots outside the building. Thankfully no one was hurt in that exchange of gunfire, but the incident caused panic throughout that school, causing students to scurry for cover and to flee the building much as if a fire had broken out.

Late last year young Miguel de Jesus, a young high school student in New Britain, CT, was shot, gunned down, mortally wounded on the school steps at 7 a.m. in front of hundreds of schoolchildren arriving for school that morning. Jettie Tisdale, a principal at an innercity elementary school in Bridgeport, CT, testified before our Labor and Human Resources Committee late last year that in her school, her elementary school, she has installed bulletproof glass to protect her kindergarten students from stray bullets. She also patrols the playgrounds at recess to provide possible deterrence to violence.

This is in an elementary school. Children in some parts of that city who live within two blocks of the school have to be bused to school in the morning because of the problems of violence; bused to school from within two blocks of the institution because of what these children face walking to school.

Statistical evidence is overwhelming. Our schools are becoming dangerous places and it is not just anecdotal, citing the few examples that I have. Numerous studies from all quarters have indicated the seriousness and the breadth of this problem.

The Center for Disease Control has estimated that nearly 1 in 5 students carries a weapon—a knife, a firearm, or a club—to school. Roughly 130,000 students, it is estimated, bring a gun to school every day; the overwhelming majority not to inflict violence on one of their classmates but to protect themselves from the violence they anticipate from some of the students or someone outside of the school. The National Crime Survey has estimated that nearly 3 million crimes occur on or near school campuses each year. A recent national survey in USA Weekend found that 37 percent of students said they do not feel safe at school any longer, and 63 percent said they would learn more if they felt safer.

A U.S. Department of Education study found that 8 percent of public school teachers had reported being physically attacked during the previous school year.

The Center to Prevent Handgun Violence reports that from 1986 to 1990, 65 students and 6 school employees were gunned down at school; another 201 were severely wounded at school; and 242 were held hostage at gunpoint at school.

As these numbers demonstrate, violence is killing and injuring children across our Nation. We all know this simply from reading our morning newspapers. What is less obvious is the terrible impact this violence is having on school budgets, at a time when they can hardly afford to meet their educational expenses. Security measures made necessary by violent incidents in schools are sapping vital resources away from teaching and learning. In New Haven, CT, for instance, the school district spent some $700,000 last year just in 1 year for school security. This is money that could otherwise have been spent on books and teachers and computers.

My colleagues may recall a few weeks ago I cited statistics involving educational tools available at one of the innercity high schools that I visited in New Haven. There were only 13 computers for the entire senior high school student population. They literally line up in the afternoon to get a few minutes on that computer. Only 13 for literally 7,000 high school students. That is the same school in that same district that is spending almost $1 million a year for cops on corridors and metal detectors. Think of what that $700,000 could do for that senior high school that could use a few more computers.

This safe schools bill is not going to answer every problem, but we provide resources in this amendment that will allow for States and localities to get some of those dollars to offset some of these staggering costs of security that they currently have to provide.

The Safe School Act is entirely consistent with the Goals 2000 legislation, because it represents an initial effort to meet goal 6, which I mentioned earlier, which calls for all schools in America to be free from drugs and violence and to offer a disciplined environment conducive to learning.

I will argue in many ways that this goal is the foundation on which all others rest. You cannot learn if you are frightened to death. Too many of our kids are frightened to death every single day. So all other five goals depend upon our ability to provide some modicum of security for teachers and students during the school day.

Students are never going to learn when they fear for their safety. Teachers are never going to be able to teach when they have to be on the lookout for guns and knives in their classrooms. And schools are not going to be able to provide their students with all of the tools for learning when their budgets are drained by security devices and police officers in their corridors.

The Safe Schools Act contains a number of different tools that schools can use to reduce violence within their walls. School districts hard hit by violence will be eligible for funds to secure their buildings by installing metal detectors, conducting minor remodeling, hiring security personnel and adopting other security measures. We all know that steps such as these are stop-gap attempts to stem the rising tide of school violence.

They are not obviously the long-term solutions to this problem. This amendment recognizes this fact by requiring participating schools to get at the root causes of violence. The amendment would fund in addition to the measures I mentioned earlier, conflict resolution training, social skills development, peer mediation counseling, new curriculum on violence prevention and after-school programs. Much of this, I sadly tell you, should have been done by the parents before they ever come to school. Tragically, a lot of these kids are not getting it at home. Unfortunately, our schools have to begin taking on some of these additional responsibilities. That is a fact of life. So these funds will provide these schools with the ability to do some of these things.

The Clinton administration has strongly supported this balanced approach to school violence. Secretary of Education, Richard Riley, originally proposed this legislation. I introduced it last year, along with my colleagues Senator KENNEDY, Senator KASSEBAUM, Senator PELL, and Senator JEFFORDS on June 17. Since that time, we have been joined by numerous other colleagues. I mentioned some already, including our distinguished colleague from Mississippi, who I see on the floor, Senator COCHRAN, and others.

We held a hearing in September, and this bill was unanimously reported to the full Senate early in November. We thought this particular bill, the Goals 2000 legislation, was an appropriate vehicle on which to attach this amendment, and that is the reason that I offer it.

We also have the support of many organizations. The amendment we are offering today includes language offered by Senator GLENN to assure that the Safe Schools program is coordinated with other Federal efforts in this area.

Senator COCHRAN will shortly come forward with language defining a State role to help disseminate the good ideas developed under safe schools to other communities and their States. We already have heard the pending second-degree amendment from our colleague from Illinois on the midnight basket-

ball program. Senator SIMPSON has another amendment to make sure that rural schools will not be discriminated against in these areas, which we will accept as well and will be included as a part of this package.

As Senator KENNEDY already pointed out, thanks to the good efforts of Senator HARKIN, of Iowa, and others on the Appropriations Committee, this legislation already received $20 million for fiscal year 1994. Obviously, it needs authorization language in order for that money to become available to our States and localities; hence, the necessity and the timeliness of offering this amendment on this bill.

So, Mr. President, in conclusion, the case for the Safe Schools Act, I think, is clear and compelling. Again, I want to emphasize we offer a lot of flexibility here. We do not get down to specific measures that each school district must impose.

Sanctions, for instance, are permissible within school districts against students who bring guns or drugs to school. That can include expulsion—whatever remedies the various school districts and States would like to impose. We thought it appropriate not to get into the specificity of ordering certain sanctions but again to allow the communities and the States to decide for themselves what are appropriate responses to these problems of violence that are inflicting our school districts.

So I urge the adoption of this amendment and urge adoption for support, as well, of the various second-degree amendments that will still have to be ordered.

My colleague from Vermont, I know, is interested in responding to this, so I will be glad to yield at this time.

Mr. MURKOWSKI. Mr. President, parliamentary inquiry. I ask unanimous consent that, after disposition of the amendment, I be allowed to pay tribute to Senator Ted STEVENS who is celebrating his 25th anniversary in the U.S. Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. I thank the Chair.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I will be brief. I, first of all, want to commend the Senator from Connecticut. I know how hard he has worked on the Safe Schools Act. I certainly want to inform the body that I think it is a tremendous step forward in trying to make sure that we do have in this Nation schools that are safe.

I also am very pleased, and I think we are doing an important thing, that we are establishing Washington, DC, as a model under this premise. Good Lord, if we cannot make the schools in Washington, DC, safe, I do not know how we should as a Federal Government expect any city to make their schools safe.

I also want to commend the Senator from Illinois. I think the amendment she has offered is an excellent one. I support it. I think we are ready for a vote.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, if we adopt the amendment without offering the second-degree amendment, we will have to offer the second-degree amendment to the bill.

Mr. KENNEDY. Mr. President, if the Senator will yield.

The PRESIDING OFFICER. The Chair informs the Senator that the second-degree amendment is already pending.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, could I suggest that we adopt the amendment of the Senator from Illinois and then that would open up the tree and then we would consider the amendment of the Senator from Mississippi. Then I think we would also like to explore with the Senator from Connecticut the possibility of a Dorgan amendment that might also be included in the package. I have not talked with the Senator about it. I wonder if we can accept the amendment of the Senator from Illinois and then consider the amendment of the Senator from Mississippi.

Mr. COCHRAN. Mr. President, I have no objection to that procedure, and I thank the distinguished manager.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 1379.

The amendment (No. 1379) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DODD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DODD. Mr. President, I ask unanimous consent that Senators CHAFEE and LAUTENBERG also be included as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

AMENDMENT NO. 1380 TO AMENDMENT NO. 1378, AS AMENDED

(Purpose: To establish the State Leadership Activities to Promote Safe Schools Act)

Mr. COCHRAN. Mr. President, I send an amendment to the desk to the Dodd amendment and ask that it be reported.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN] proposes an amendment numbered 1380 to amendment 1378, as amended.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 15, after line 3, insert the following:

PART B—STATE LEADERSHIP ACTIVITIES TO PROMOTE SAFE SCHOOLS

SEC. 21. STATE LEADERSHIP ACTIVITIES TO PROMOTE SAFE SCHOOLS PROGRAM.

(a) SHORT TITLE.—This section may be cited as the "State Leadership Activities to Promote Safe Schools Act".

(b) AUTHORITY.—The Secretary is authorized to award grants to State educational agencies from allocations under subsection (c) to enable such agencies to carry out the authorized activities described in subsection (e).

(c) ALLOCATION.—Each State educational agency having an application approved under subsection (d) shall be eligible to receive a grant under this section for each fiscal year that bears that same ratio to the amount appropriated pursuant to the authority of subsection (f) for such year as the amount such State educational agency receives pursuant to section 1006 of the Elementary and Secondary Education Act of 1965 for such year bears to the total amount allocated to all such agencies in all States having applications approved under subsection (d) for such year, except that no State educational agency having an application approved under subsection (d) in any fiscal year shall receive less than $100,000 for such year.

(d) APPLICATION.—Each State educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner and containing such information as the Secretary may reasonably require. Each such application shall—

(1) describe the activities and services for which assistance is sought;

(2) contain a statement of the State educational agency's goals and objectives for violence prevention and a description of the procedures to be used for assessing and publicly reporting progress toward meeting those goals and objectives; and

(3) contain a description of how the State educational agency will coordinate such agency's activities under this section with the violence prevention efforts of other State agencies.

(e) USE OF FUNDS.—Grant funds awarded under this section shall be used—

(1) to support a statewide resource coordinator;

(2) to provide technical assistance to both rural and urban local school districts;

(3) to disseminate to local educational agencies and schools information on successful school violence prevention programs funded through Federal, State, local and private sources;

(4) to make available to local educational agencies teacher training and parent and student awareness programs, which training and programs may be provided through video or other telecommunications approaches;

(5) to supplement and not supplant other Federal, State and local funds available to carry out the activities assisted under this section; and

(6) for other activities the Secretary may deem appropriate.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for each of the fiscal years 1995 and 1996 to carry out this section.

On page 2, between lines 1 and 2, insert the following:

PART A—SAFE SCHOOLS PRGRAM

On page 2, line 3, strike "title" and insert "part".
On page 2, line 6, strike "title" and insert "part".
On page 2, line 23, strike "title" and insert "part".
On page 3, line 10, strike "title" and insert "part".
On page 3, line 21, strike "title" and insert "part".
On page 4, line 15, strike "title" and insert "part".
On page 4, line 24, strike "title" and insert "part".
On page 5, line 11, strike "title" and insert "part".
On page 5, line 20, strike "title" and insert "part".
On page 6, line 14, strike "title" and insert "part".
On page 7, line 5, strike "title" and insert "part".
On page 7, line 7, strike "title" and insert "part".
On page 7, line 9, strike "title" and insert "part".
On page 7, line 10, strike "title" and insert "part".
On page 7, line 15, strike "title" and insert "part".
On page 7, line 23, strike "title" and insert "part".
On page 8, line 18, strike "title" and insert "part".
On page 11, line 25, strike "title" and insert "part".
On page 12, line 2, strike "title" and insert "part".
On page 12, line 4, strike "title" and insert "part".
On page 12, line 8, strike "title" and insert "part".
On page 12, line 12, strike "title" and insert "part".
On page 12, line 16, strike "title" and insert "part".
On page 12, line 20, strike "title" and insert "part".
On page 13, line 2, strike "title" and insert "part".
On page 13, line 3, strike "title" and insert "part".
On page 15, line 2, strike "title" each place such term appears and insert "part".

Mr. COCHRAN. Mr. President, the sixth goal established by the Nation's Governors and President George Bush in an historic meeting at the national education Summit in 1989 provided that:

By the year 2000, every school in America will be free of drugs and violence and will offer a disciplined environment conducive to learning.

The only problem I have with that goal is that it probably should be the first rather than the sixth goal. If you go to school afraid about being harmed by a fellow student or becoming a victim of a drive-by shooting, you are not going to learn anything.

It is in this kind of environment that we find so many of our Nation's schoolchildren. It is time the Federal Government took some responsibility for providing guidance and assistance to State and local governments and local administrators as they try to deal with these very real and very serious and sometimes very deadly problems in our Nation's schools.

The purpose of this amendment is to provide some additional funds to States to share information among school districts about safe schools programs that are working and producing good benefits not only in that particular State, but around the country.

Funds would be distributed to all States based on the chapter 1 concentration grant formula. Ten million dollars is authorized to support a State coordinator, who could provide information about safe schools initiatives and develop programs to help prevent and deal with school violence. At least $100,000 would be made available to every State.

I called the State superintendent of education in Mississippi, Tom Burnham, and asked him what we could do to help stem school violence. He suggested the need for a State safe schools coordinator because of an inadequate amount of information at the State level about some of the problems and the successful ways communities deal with school violence. In local jurisdictions and in individual schools, there is a need for more information about programs to address the problem of school violence. States need to determine the most serious problems so they can deal with them on an emergency basis.

This amendment responds to a very real and very important need that is now unmet at the State level.

The funds included in the Cochran amendment will be targeted for:

Supporting the services of a statewide resource coordinator;

Providing technical assistance to both rural and urban local school districts;

Disseminating information on successful school violence prevention programs funded through other Federal, State, local or private sources; and

Finding other activities the State educational agency deems appropriate to assist in reducing school violence and crime.

Mr. President, America's school children should not fear for their lives on the way to, during, or on their way home from school. There are numerous examples in every State of violence every day in our schools. Children in schools are killing each other. People commit drive by shootings in playground areas at schools. Youth gangs are a serious problem. These problems plague not only our large cities, but our rural communities as well.

As a result, students in violent schools are much less likely to concentrate on higher academic achievement and to stay in school and receive the educational preparation necessary to become full partners in our society. Parents are outraged that their children cannot learn in a peaceful environment.

The trends are alarming. According to the 1993 National Education Goals Report, 9 percent of 8th graders, 10 percent of 10th graders, and 6 percent of 12th graders brought a gun to school in the previous month in 1992. Something must be done to stop our children from bringing firearms on school property.

We expect students to be serious about school, but schools and their surrounding communities also have an obligation to create an environment where teaching and learning can take place.

President Bush and the Nation's Governors established six national education goals for the Nation's elementary and secondary schools in 1989 at the historic Charlottesville Education Summit. The sixth goal is "by the year 2000, every school in America will be free of drugs and violence and will offer a disciplined environment conducive to learning."

I believe my amendment will assist State's efforts to curb the growing problem of violence in the classrooms.

I thank the managers of the bill and other Senators who support this amendment.

I hope the Senate will support this amendment as an amendment to the amendment of the Senator from Connecticut, an important initiative before the body at this time.

Mr. DODD. Mr. President, as a cosponsor of the Cochran amendment, I commend our colleague from Mississippi. He identifies a very legitimate and serious problem. There are a lot of terrific programs that people are engaged in across the country in antiviolence efforts. I recently participated in a dinner here in Washington with people who came from cities from across the country—Oakland, Boston, Chicago, New York, Detroit—people who are not in local government, State Government, people running boys clubs, girls clubs, after-school programs that are very successful. You do not hear about them. It is the child who engages in an act of violence who gets the headline. For obvious reasons we do not read about the child who goes off in the afternoon where there is an alternative to just hanging out.

Too many of these ideas are left at the local level. What the Senator from Mississippi is achieving with this amendment is to make sure that these good ideas get known by other communities. Dissemination of information is critically important if these ideas are going to reach other communities.

I commend the Senator for the amendment and urge its adoption.

Mr. JEFFORDS. I join in the remarks of the Senators from Connecticut and Mississippi.

I strongly support this amendment and urge its adoption.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 1380) was agreed to.

Mr. DODD. Mr. President, I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1381 TO AMENDMENT 1378

(Purpose: To require that, to the extent practicable, grants shall be awarded to eligible local educational agencies serving rural, as well as urban, areas)

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. I have an amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS], for Mr. SIMPSON, proposes an amendment numbered 1381:

On page 3, between lines 4 and 5, insert the following:

(3) GEOGRAPHIC DISTRIBUTION.—To the extent practicable, grants under this title shall be awarded to eligible local educational agencies serving rural, as well as urban, areas.

Mr. JEFFORDS. Mr. President, this amendment is a simple one. It basically establishes that rural areas ought to be considered and be included when grants are awarded. We have many problems with schools in the rural areas, and to ignore that in this legislation would be a mistake. I believe it will be accepted, and I wish to commend the Senator from Wyoming for bringing this amendment to our attention.

Mr. DODD. Mr. President, I ask unanimous consent I be added as a cosponsor of the amendment.

I think it is a good amendment. I urge its adoption.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1381) was agreed to.

Mr. DODD. Mr. President, I know of no further debate on the safe schools amendment, and I urge adoption of the underlying amendment with, obviously, all of the amendments that have been added to it.

AMENDMENT NO. 1378

Mr. LIEBERMAN. Mr. President, I am pleased to support Senator DODD's amendment to S. 1150, to improve safety and security in the Nation's schools. I was an original cosponsor of this legislation when it was introduced by my Connecticut colleague as the Safe Schools Act of 1993. President Clinton supports this legislation, and I thank both the President and Senator DODD for their leadership on the bill.

The legislation addresses an urgent need. I hear repeatedly from educators in my State that violence in schools threatens the health and even the lives of their students and, needless to say, seriously impedes their ability to educate our kids. Earlier this week, David Manning, the principal of Conard High School in West Hartford, CT, informed me that improving school safety has become the number one priority for Connecticut's high school principals, and he urged me to support this amendment. Educators should not have to play a central role in the war on crime. But, the bottom line is, we will not achieve the educational achievement goals set forth in this bill unless our schools are safe.

This legislation will provide assistance to the most troubled school districts. Participating schools will be awarded $3 million a year for up to 2 years to implement crime reduction measures. Schools will have flexibility to use the funds in ways that best meet their needs. So, for example, schools could enhance law enforcement, they could take measures to protect children as they go between home and school, and they could invest in peer counseling and other preventive measures. These and other innovative programs will help free our children and teachers from violence and the fear of violence that impede learning and threaten the well-being of our children and our communities.

The amendment will help move the Nation closer to one of our national education goals. Goal Six states that, by the year 2000, every school in America will be free of drugs and violence. We must achieve this goal, and we must achieve it as soon as possible. This legislation is an important step forward, and I urge my colleagues to support it.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the underlying amendment.

The amendment (No. 1378), as amended, was agreed to.

Mr. DODD. Mr. President, I move to reconsider the vote.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from Alaska is recognized.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that I may be allowed to make a brief statement as if in morning business to pay tribute to my colleague, the senior Senator from Alaska [Mr. STEVENS], who is celebrating his 25th anniversary in this body today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. I thank the Chair.

SENATOR TED STEVENS

Mr. MURKOWSKI. Mr. President, I come before my colleagues today to remind them of a very special occasion, the silver anniversary, the 25th anniversary, of my colleague from Alaska, Senator TED STEVENS. His entrance into this body occurred 25 years ago. As you know, Mr. President, the Senator is ranked eighth in overall seniority and third among his Republican colleagues. Senator STEVENS has been a Member of the Senate since December 24, 1968. As I speak, the Senator is receiving treatment for back pain that was generated, I suspect, from the long trips back and forth from Washington, DC, to Alaska. So, unfortunately, he cannot be in this body today.

Mr. President, for over a quarter of a century now, Senator STEVENS has demonstrated his dedication to the citizens of Alaska and certainly those of the United States as well.

Alaskans celebrated Senator STEVENS' 25th anniversary last December 28 in Anchorage, and those in attendance enjoyed a Senate bean soup dinner, which soup we have all come to know so well in the Senate cafeteria. One of Senator STEVENS' favorites is that particular soup. I suspect today he is going without that soup, but nevertheless it was a joyous occasion. Governor Hickel, our Governor, presented an official proclamation establishing the day as "Senator Stevens Day." He also undertook an explanation of how he, Governor Hickel, appointed Senator TED STEVENS to the Senate back in December of 1968. The event highlighted the numerous accomplishments of the senior Senator from Alaska. Speakers personalized their tributes with recollections.

Mr. President, I would like to take just a few minutes today to review Senator STEVENS' outstanding service to our State and the Senate and offer a few of my own recollections and recognize him for his work on behalf of both Alaska and the Nation.

Senator STEVENS really has an impressive history of accomplishments both prior to and during his service in the Senate. During World War II, Senator STEVENS was a pilot with the 14th Air Force in China. That was the famous Flying Tigers, Mr. President. After the war, he graduated from the University of California at Los Angeles and later Harvard Law School. He moved to Alaska to practice law in Fairbanks in 1953, and in 1956 he was appointed legislative counsel to the Department of the Interior and became an assistant to the Secretary of the Interior in 1958, where he worked on the Alaska Statehood Act. He was named chief counsel to the Department in 1960 during the last Eisenhower administration.

In 1961, he returned to law practice in Anchorage. My esteemed colleague was elected to his first of two terms in the Alaska House of Representatives in 1964 where, during his second term, he served as speaker pro tempore and majority leader. He was then appointed to the Senate upon the death of one of our

first U.S. Senators, the late E. L. "Bob" Bartlett.

During Senator STEVENS' service in the Senate, he served 8 years as Republican whip, from 1977 to 1985, 3 years, from 1981 to 1984, under former majority leader Howard Baker.

Today, Senator STEVENS serves on five Senate committees: Rules, where he is the ranking Republican, Appropriations, Commerce, Governmental Affairs, and Intelligence. He is also presently a co-chairman of the Senate Observers Group to the Arms Control talks.

Senator STEVENS also serves on the Commission on Arts and Antiquities; the Commission on the Bicentennial of the U.S. Capitol; the Joint Committee on the Library of Congress; the Joint Committee on Printing (Ranking Republican); the Joint Leadership Group; the U.S. Capitol Preservation Commission; and the Joint Committee on the Organization of Congress.

Mr. President, further, Senator STEVENS' subcommittee assignments on the Appropriations and Commerce Committees have enabled him to really play a very important role in the formulation of defense and security for our Nation as well as economic policy. The intensity and the intelligence Senator STEVENS has always displayed are now focused on overseeing defense issues. As a veteran, he has resisted excessive cuts in defense spending in the post-cold-war era. In 1992, for example, Senator STEVENS fought for the proposed $3.8 billion in funding for the strategic defense initiative, or SDI.

Senator STEVENS has fought hard, as have all Alaskans in Congress, to open a small portion of the vast Arctic National Wildlife Refuge [ANWR] to oil exploration. Meanwhile, in the wake of the *Exxon Valdez* oil spill, he played a key role in requiring that oil tankers be equipped with double hulls to protect the environment of his State and all coastal communities. Senator STEVENS has refused to give up on issues such as maintaining a steady supply of timber to support the jobs of forest workers in southeast Alaska, working to support public broadcasting to serve Alaska's sparse population, and working to aid Federal workers who provide important services in Alaska under sometimes difficult conditions. Senator STEVENS also has worked to instill reasonableness to wetlands regulation in Alaska—a vital issue given that 170 million acres of Alaska are classified as wetland.

If Senator STEVENS has had one credo during the years it has been to put Alaska first. In one speech during my first term in this body, I remember Senator STEVENS saying, "They sent me here to stand up for the State of Alaska." And he has done so with unsurpassed ability, persistence, and determination.

Senator STEVENS is married to Catherine Bittner. They have one child. Senator STEVENS has five children by his first wife Ann, who died tragically in a 1978 plane crash. At that time Senator STEVENS was trying to forge a compromise on the State's then biggest issue, passage of a bill to settle land allocation issues in Alaska. But then such dedication is not unusual, since the Senator has been involved with all of the major issues involving Alaska and the Federal Government during the State's 35-year history, including statehood.

The list is truly impressive. Shortly after arriving in the Senate he spearheaded the effort to build a pipeline to move Alaska's new-found Prudhoe Bay oil wealth to market. To clear the way, he championed the most farsighted legislation ever to improve relations between the Federal Government and the native peoples of an American State. The Alaska Native Claims Settlement Act of 1971 pioneered efforts to settle the real claims of America's first inhabitants and helped to meet their real needs for 20th century living improvements, while protecting their ancient cultures. His persistence to resolve the oil issue finally paid off 3 years later when the Trans-Alaska Pipeline Authorization Act passed with the Vice President breaking the tie in this body.

Two years later Senator STEVENS joined with Washington's legendary Senator Warren Magnuson to bring to America the right to rationally manage its fisheries—winning passage of the 200-mile limit.

That law, more than any other one, has permitted Alaska to manage its huge fisheries resource over our 38,000-mile coastline for the benefit of future generations. Four years later Senator STEVENS led the fight against an unacceptable version of the Alaska Lands Act which threatened to destroy the dreams of most Alaskans. He worked hard against tremendous odds to finally achieve a compromise bill. Alaskans are protected in that bill in the use of Federal lands in our State.

Senator STEVENS' accomplishments are certainly too numerous to mention in their entirety. But I will mention one more.

In recent years he had the foresight to lead the effort to ban drift nets from the high seas, being the first Senator to push the United Nations to outlaw the destructive curtains of death.

Mr. President, as Senator STEVENS celebrates his silver anniversary in the U.S. Senate, the remarkable thing from my vantage point is that Alaska's senior Senator, while he has become a figure of truly national prominence, always puts Alaska and Alaskans first. Despite his seniority, Senator STEVENS still finds the time to meet every Alaskan Close-Up student or talk with residents about their health concerns. His encyclopedic knowledge of Federal-State relations is legendary in Washington as well as in Alaska. In the Senate, which has lost some of its institutional memory in recent years, Senator STEVENS is able to offer invaluable insights on the specifics of everything from Alaska Statehood to the history of weather forecasting in the North. His recollection of events is probably so extraordinary because he helped draft the Alaska Statehood Act while serving at the Department of the Interior during the Eisenhower years and because he has had a hand in virtually every major Federal issue affecting Alaska ever since.

I stand here today to thank Senator STEVENS for his skill, drive, and dedication during his first 25 years in Washington and to offer him a heartfelt good wish for many more years of service to the State of Alaska and the Nation. I think that former President Bush, who worked with Senator STEVENS both as a colleague in Congress and as President, best described Senator Stevens' service, stating, "He is a first-class public servant, whose tireless energy and leadership on the issues over the past quarter of a century have earned him respect on both sides of the aisle."

My wife, Nancy, and my Senate colleagues, join me in congratulating both TED and his wife, Catherine. It has been great fun and a privilege working with my friend and senior colleague Senator TED STEVENS, and I look forward to our work together for many more years. I know my colleagues do as well.

I thank the Chair.

LEAVE GRANTED PURSUANT TO THE SENATE RULES

Mr. DOLE. Mr. President, after the National Prayer Breakfast this morning, the senior Senator from Alaska entered the hospital to undergo a simple surgical procedure to remove a bone spur from his back which is pressing against his sciatic nerve.

I ask unanimous consent that Senator STEVENS be granted leave from the Senate pursuant to rule VI, paragraph 2 of the Standing Rules of the Senate while he recuperates from this procedure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MATHEWS). Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. HELMS. I believe, Mr. President, the distinguished Senator from Massachusetts has a unanimous-consent request he is about to propose?

Mr. KENNEDY. Mr. President, I had not expected to propound the consent request but I will formulate it now. If the Senator wants to put his amendment through and then I will propound the request—I will do so.

Mr. HELMS. Let me ask the Senator if what we just discussed 5 minutes ago in the Cloakroom is what he has in mind for the unanimous-consent request, when he propounds it, to the effect that when I call up my amendment relating to school prayer, that amendment will be disposed of with an up-or-down vote and that no second-degree amendment will be in order. Is that correct?

Mr. KENNEDY. The Senator is correct.

Mr. HELMS. Very well. But, as I understand it, the Senator has not formulated his unanimous-consent request yet?

Mr. KENNEDY. The Senator is correct. What would be intended is that the Senator would offer the amendment, take what time the Senator would desire on that amendment. Following that, there would be a time at which either myself or a designee—I think Senator DANFORTH or Senator JEFFORDS—would send to the desk an amendment. Then there would be time on that for a discussion.

At the conclusion of that discussion, there would be back-to-back votes on the two different proposals with the first vote being on the Senator's amendment and the second vote to follow immediately would be on the other amendment. And that there would be no second-degree amendments or intervening action.

That would be what the unanimous-consent request would include, and I would propound that in just a moment or two, as it is being drafted by the clerk.

Mr. HELMS. If the Senator will yield, that seems to me to be a clear statement of what the proposal would be.

Mr. KENNEDY. I ask unanimous consent that proposal be propounded as a unanimous-consent request.

Mr. HELMS. Did the Chair understand that?

The PRESIDING OFFICER. The Chair understands there to be an agreement that two amendments will be offered, one following the other, that second-degrees will not be in order to either of them, that the Senator from North Carolina's amendment will be voted upon first and then the amendment of the Senator from Massachusetts will be voted upon thereafter.

Mr. HELMS. That seems to be clear to me.

The PRESIDING OFFICER. That there be an up-or-down vote on either one.

Mr. KENNEDY. Either one. An up-or-down vote on Senator HELMS' amendment first and up-or-down vote on the second amendment, should the second amendment be offered.

The PRESIDING OFFICER. Is there objection? Is there consent? There seems to be unanimous consent. The action of the Senate will follow that course.

MOTHER TERESA'S SPEECH AT THE NATIONAL PRAYER BREAKFAST

Mr. HELMS. Mr. President, before I say anything else, let me say hurrah for Mother Teresa. What a wonderful little lady she is. I want to see certain people and certain newspapers criticize her for the strong stand that she took against abortion this morning. She laid it on the line with some, may I say, right interesting people sitting there listening to her.

I know some of these "interesting" people were squirming in their seats. I am not going to call any names, but I think it is perfectly clear about whom I am talking.

God bless Mother Teresa. She stood up nobly and eloquently for the sanctity of life. I am so proud of her.

I ask unanimous consent that the text of her remarks be printed in the RECORD at the conclusion of my remarks.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

WHATEVER YOU DID UNTO ONE OF THE LEAST, YOU DID UNTO ME

(By Mother Teresa of Calcutta)

On the last day, Jesus will say to those on His right hand, "Come, enter the Kingdom. For I was hungry and you gave me food, I was thirsty and you gave me drink, I was sick and you visited me." Then Jesus will turn to those on His left hand and say, "Depart from me because I was hungry and you did not feed me, I was thirsty and you did not give me to drink, I was sick and you did not visit me." These will ask Him, "When did we see You hungry, or thirsty or sick and did not come to Your help?" And Jesus will answer them, "Whatever you neglected to do unto one of the least of these, you neglected to do unto Me!"

As we have gathered here to pray together, I think it will be beautiful if we begin with a prayer that expresses very well what Jesus wants us to do for the least. St. Francis of Assisi understood very well these words of Jesus and His life is very well expressed by a prayer. And this prayer, which we say every day after Holy Communion, always surprises me very much, because it is very fitting for each one of us. And I always wonder whether 800 years ago when St. Francis lived, they had the same difficulties that we have today. I think that some of you already have this prayer of peace—so we will pray it together.

Let us thank God for the opportunity He has given us today to have come here to pray together. We have come here especially to pray for peace, joy and love. We are reminded that Jesus came to bring the good news to the poor. He had told us what is that good news when He said: "My peace I leave with you, My peace I give unto you." He came not to give the peace of the world which is only that we don't bother each other. He came to give the peace of heart which comes from loving—from doing good to others.

And God loved the world so much that He gave His son—it was a giving. God gave His son to the Virgin Mary, and what did she do with Him? As soon as Jesus came into Mary's life, immediately she went in haste to give that good news. And as she came into the house of her cousin, Elizabeth, Scripture tells us that the unborn child—the child in the womb of Elizabeth—leapt with joy. While still in the womb of Mary—Jesus brought peace to John the Baptist who leapt for joy in the womb of Elizabeth.

And as if that were not enough, as if it were not enough that God the Son should become one of us and bring peace and joy while still in the womb of Mary, Jesus also died on the Cross to show that greater love. He died for you and for me, and for that leper and for that man dying of hunger and that naked person lying in the street, not only of Calcutta, but of Africa, and everywhere. Our Sisters serve these poor people in 105 countries throughout the world. Jesus insisted that we love one another as He loves each one of us. Jesus gave His life to love us and He tells us that we also have to give whatever it takes to do good to one another. And in the Gospel Jesus says very clearly: "Love as I have loved you."

Jesus died on the Cross because that is what it took for Him to do good to us—to save us for our selfishness in sin. He gave up everything to do the Father's will—to show us that we too must be willing to give up everything to do God's will—to love one another as he loves each of us. If we are not willing to give whatever it takes to do good to one another, sin is still in us. That is why we too must give to each other until it hurts.

It is not enough for us to say: "I love God." but I also have to love my neighbor. St John says that you are a liar if you say you love God and you don't love your neighbor. How can you love God whom you do not see, if you do not love your neighbor whom you see, whom you touch, with whom you live? And so it is very important for us to realize that love, to be true, has to hurt. I must be willing to give whatever it takes not to harm other people and, in fact, to do good to them. This requires that I be willing to give until it hurts. Otherwise, there is no true love in me and I bring injustice, not peace, to those around me.

It hurt Jesus to love us. We have been created in His image for greater things, to love and to be loved. We must "put on Christ" as Scripture tells us. And so, we have been created to love as He love us. Jesus makes Himself the hungry one, the naked one, the homeless one, the unwanted one, and He says, "You did it to Me." On the last day He will say to those on His right, "whatever you did to the least of these, you did to Me, and He will also say to those on His left, whatever you neglected to do for the least of these, you neglected to do it for Me."

When He was dying on the Cross, Jesus said, "I thirst." Jesus is thirsting for our love, and this is the thirst of everyone, poor and rich alike. We all thirst for the love of others, that they go out of their way to avoid harming us and to do good to us. This is the meaning of true love, to give until it hurts.

I can never forget the experience I had in visiting a home where they kept all these old parents of sons and daughters who had just put them into an institution and forgotten them—maybe. I saw that in that home these old people had everything—good food, comfortable place, television, everything, but everyone was looking toward the door. And I did not see a single one with a smile on the

face. I turned to Sister and I asked: "Why do these people who have every comfort here, why are they all looking toward the door? Why are they not smiling?"

I am so used by seeing the smiles on our people, even the dying ones smile. And Sister said: "This is the way it is nearly every day. They are expecting, they are hoping that a son or daughter will come to visit them. They are hurt because they are forgotten." And see, this neglect to love brings spiritual poverty. Maybe in our own family we have somebody who is feeling lonely, who is feeling sick, who is feeling worried. Are we there? Are we willing to give until it hurts in order to be with our families, or do we put our own interests first? These are the questions we must ask ourselves, especially as we begin this year of the family. We must remember that love begins at home and we must also remember that 'the future of humanity passes through the family.'

I was surprised in the West to see so many young boys and girls given to drugs. And I tried to find out why. Why is it like that, when those in the West have so many more things than those in the East? And the answer was: "Because there is no one in the family to receive them." Our children depend on us for everything—their health, their nutrition, their security, their coming to know and love God. For all of this, they look to us with trust, hope and expectation. But often father and mother are so busy they have no time for their children, or perhaps they are not even married or have given up on their marriage. So the children go to the streets and get involved in drugs or other things. We are talking of love of the child, which is where love and peace must begin. These are the things that break peace.

But I feel that the greatest destroyer of peace today is abortion, because it is a war against the child, a direct killing of the innocent child, murder by the mother herself. And if we accept that a mother can kill even her own child, how can we tell other people not to kill one another? How do we persuade a woman not to have an abortion? As always, we must persuade her with love and we remind ourselves that love means to be willing to give until it hurts. Jesus gave even His life to love us. So the mother who is thinking of abortion, should be helped to love, that is, to give until it hurts her plans, or her free time, to respect the life of her child. The father of that child, whoever he is, must also give until it hurts.

By abortion, the mother does not learn to love, but kills even her own child to solve her problems. And, by abortion, the father is told that he does not have to take any responsibility at all for the child he has brought into the world. That father is likely to put other women into the same trouble. So abortion just leads to more abortion. Any country that accepts abortion is not teaching its people to love, but to use any violence to get what they want. This is why the greatest destroyer of love and peace is abortion.

Many people are very, very concerned with the children of India, with the children of Africa where quite a few die of hunger, and so on. Many people are also concerned about all the violence in this great country of the United States. These concerns are very good. But often these same people are not concerned with the millions who are being killed by the deliberate decision of their own mothers. And this is what is the greatest destroyer of peace—abortion which brings people to such blindness.

And for this I appeal in India and I appeal everywhere—"Let us bring the child back." The child is God's gift to the family. Each child is created in the special image and likeness of God for greater things—to love and to be loved. In this year of the family we must bring the child back to the center of our care and concern. This is the only way that our world can survive because our children are the only hope for the future. As older people are called to God, only their children can take their places.

But what does God say to us? He says: "Even if a mother could forget her child, I will not forget you. I have carved you in the palm of my hand." We are carved in the palm of His hand; that unborn child has been carved in the hand of God from conception and is called by God to love and to be loved, not only now in this life, but forever. God can never forget us.

I will tell you something beautiful. We are fighting abortion by adoption—by care of the mother and adoption for her baby. We have saved thousands of lives. We have sent word to the clinics, to the hospitals and police stations: "Please don't destroy the child; we will take the child." So we always have someone tell the mothers in trouble: "Come, we will take care of you, we will get a home for your child." And we have a tremendous demand from couples who cannot have a child—but I never give a child to a couple who have done something not to have a child. Jesus said, "Anyone who receives a child in my name, receives me." By adopting a child, these couples receive Jesus but, by aborting a child, a couple refuses to receive Jesus.

Please don't kill the child. I want the child. Please give me the child. I am willing to accept any child who would be aborted and to give that child to a married couple who will love the child and be loved by the child. From our children's home in Calcutta alone, we have saved over 3,000 children from abortion. These children have brought such love and joy to their adopting parents and have grown up so full of love and joy.

I know that couples have to plan their family and for that there is natural family planning. The way to plan the family is natural family planning, not contraception. In destroying the power of giving life, through contraception, a husband or wife is doing something to self. This turns the attention to self and so it destroys the gift of love in him or her. In loving, the husband and wife must turn the attention to each other as happens in natural family planning, and not to self, as happens in contraception. Once that living love is destroyed by contraception, abortion follows very easily.

I also know that there are great problems in the world—that many spouses do not love each other enough to practice natural family planning. We cannot solve all the problems in the world, but let us never bring in the worst problem of all, and that is to destroy love. And this is what happens when we tell people to practice contraception and abortion.

The poor are very great people. They can teach us so many beautiful things. Once one of them came to thank us for teaching her natural family planning and said: "You people who have practiced chastity, you are the best people to teach us natural family planning because it is nothing more than self-control out of love for each other." And what this poor person said is very true. These poor people maybe have nothing to eat, maybe they have not a home to live in, but they can still be great people when they are spiritually rich.

When I pick up a person from the street, hungry, I give him a plate of rice, a piece of bread. But a person who is shut out, who feels unwanted, unloved, terrified, the person who has been thrown out of society—that spiritual poverty is much harder to overcome. And abortion, which often follows from contraception, brings a people to be spiritually poor, and that is the worst poverty and the most difficult to overcome.

Those who are materially poor can be very wonderful people. One evening we went out and we picked up four people from the street. And one of them was in a most terrible condition. I told the Sisters: "You take care of the other three; I will take care of the one who looks worse." So I did for her all that my love can do. I put her in bed, and there was such a beautiful smile on her face. She took hold of my hand, as she said one word only: "thank you"—and she died.

I could not help but examine my conscience before her. And I asked: "What would I say if I were in her place?" And my answer was very simple. I would have tried to draw a little attention to myself. I would have said: "I am hungry, I am dying, I am cold, I am in pain," or something. But she gave me much more—she gave me her grateful love. And she died with a smile on her face. Then there was the man we picked up from the drain, half eaten by worms and, after we had brought him to the home, he only said "I have lived like an animal in the street, but I am going to die as an angel, loved and cared for." Then, after we had removed all the worms from his body, all he said, with a big smile, was: "Sister, I am going home to God"—and he died. It was so wonderful to see the greatness of that man who could speak like that without blaming anybody, without comparing anything. Like an angel—this is the greatness of people who are spiritually rich even when they are materially poor.

We are not social workers. We may be doing social work in the eyes of some people, but we must be contemplatives in the heart of the world. For we must bring that presence of God into your family, for the family that prays together, stays together. There is so much hatred, so much misery, and we with our prayer, with our sacrifice, are beginning at home. Love begins at home, and it is not how much we do, but how much love we put into what we do.

If we are contemplatives in the heart of the world with all its problems, these problems can never discourage us. We must always remember what God tells us in Scripture: "Even if a mother could forget the child in her womb—something impossible, but even if she could forget—I will never forget you.

And so here I am talking to you. I want you to find the poor here, right in your own home first. And begin love here. Ben that good news to your own people first. And find out about your next-door neighbors. Do you know who they are?

I had the most extraordinary experience of love of neighbor with a Hindu family. A gentleman came to our house and said: "Mother Teresa, there is a family who have not eaten for so long. Do something." So I took some rice and went there immediately. And I saw the children—their eyes shining with hunger, I don't know if you have every seen hunger. But I have seen it very often. And the mother of the family took the rice I gave her and went out. When she came back, I asked her: "Where did you go? What did you do?" And she gave me a very simple answer: "They are hungry also." What struck me was that she knew—and who are they? A Muslim family—and she knew. I didn't bring any more rice that evening because I wanted them, Hindus and Muslims, to enjoy the joy of sharing.

But there were those children, radiating joy, sharing the joy and peace with their mother because she had the love to give until it hurts. And you see this is where love begins—at home in the family.

So, as the example of this family shows, God will never forget us and there is something you and I can always do. We can keep the joy of loving Jesus in our hearts, and share that joy with all we come in contact with. Let us make that one point—that no child will be unwanted, unloved, uncared for, or killed and thrown away. And give until it hurts—with a smile.

Because I talk so much of giving with a smile, once a professor from the United States asked me: "Are you married?" And I said: "Yes, and I find it sometimes very difficult to smile at my spouse, Jesus, because He can be very demanding—sometimes." This is really something true. And there is where love comes in—when it is demanding, and yet we can give it with joy.

One of the most demanding things for me is travelling everywhere—and with publicity. I have said to Jesus that if I don't go to heaven for anything else, I will be going to heaven for all the travelling with all the publicity, because it has purified me and sacrificed me and made me really ready to go to heaven.

If we remember that God loves us, and that we can love others as He loves us, then America can become a sign of peace for the world. From here, a sign of care for the weakest of the weak—the unborn child—must go out to the world. If you become a burning light of justice and peace in the world, then really you will be true to what the founders of this country stood for. God bless you.

SCHOOL PRAYER AND CHILDREN'S VALUES

Now then, Mr. President, shortly I will offer an amendment, but I shall defer doing so momentarily, at least.

Mr. President, millions of Americans listened to President Clinton's State of the Union speech during which he made a number of appeals to our Nation, one of them being—let me quote it since he said it so eloquently and with great passion:

And so I say to you tonight, let us give our children a future. Let us take away their guns and give them books. Let us overcome their despair and replace it with hope. Let us, by our example, teach them to obey the law, respect our neighbors, and cherish our values.

I wish the President had been a little more specific about whose values and what values. But nevertheless, it was good rhetoric. And I enjoyed listening, particularly as my mind raced backwards in time to various campaign promises and various criticisms and actions taken a little over a year ago.

Anyway, "cherish our values, respect our neighbors." It struck me that the best way to do that is right here in our hearts. It is also in print and available to everybody in this country. A book that is well known, it is called The Holy Bible. It is a dust catcher in a lot of places, but it is the greatest book ever written.

So, while the President's rhetoric was all well and good, the fact is that America's children cannot even read from this book in their classrooms, which the politicians publicly acknowledge is the source of our values and our laws as a nation. But the politicians do not really mean that. Their real belief, based on their actions, is that the Government is the source of our values. They believe in big Government.

That is why the American taxpayers' dollars are being used by bureaucrats to distribute condoms in the schools of America at the same time children are prohibited from reading the Bible.

What kind of message, Mr. President—and I refer to Mr. President Clinton when I say this—what kind of message does this state of affairs send to young people? When our Government forbids reading from the Bible, but pays for the distribution of condoms in the schools, what kind of message does the combination of those two Governmental actions send?

How can we expect schoolchildren, as President Clinton put it, "to obey the law, respect our neighbors and cherish our values" if the U.S. Government says that the Bible and prayer do not belong in the school, but condoms do?

The President engaged in the rhetorical exhortation that "by our example, let's teach our children to obey the law and respect our neighbors and cherish our values." I say, "Very well, Mr. President, but then what did you do at the first crack of the bat when you took office, except to negate everything that Mother Teresa said this morning at the National Prayer Breakfast. As soon as possible, I am going to get a copy of what Mother Teresa said, and I am going to put it in the CONGRESSIONAL RECORD. And before this month is out, I may also read it into the RECORD three or four times because it needs to be understood where our values do and do not come from.

Mr. President, I have an amendment that the Senator from Massachusetts has now agreed to allow the Senate to vote on. Yesterday, we had quite a discussion, and the Senator first said, "No, but go ahead" and then his aides intervened and said, "No, Senator HELMS can't have that." The text on the easel to my right is the language of the amendment that Senator KENNEDY and his staff did not want the Senate to vote on yesterday. He does not want Senators to be embarrassed by having to vote on it up and down. I replied, "OK" and I went home. But as I left I said I was going to impress upon the American people what is at stake.

Overnight, we contacted, directly and indirectly, thousands of people and alerted them that we were going to offer the amendment today. Let me read it from the chart on the easel:

No funds made available through the Department of Education under this act, or any other act, shall be available to any State or local educational agency which has a policy of denying, or which effectively prevents participation in, prayer in public schools by individuals on a voluntary basis. Neither the United States nor any State nor any local educational agency shall require any person to participate in prayer or influence the form or content of any prayer in such public schools.

Mr. President, that is just about as clear as you can make an amendment. But Senator KENNEDY and his Education Committee staff said, "Oh, no, we can't take that one; we're going to second degree you if you offer it."

Now, let me state the realities of the situation as the Senate is constituted today. The distinguished Senators on the other side of the aisle, the Democrats, control the Senate since they have a majority of the votes. So, only Democrats get to sit in the chair and preside over the Senate. And time and time again only Democrats are recognized to speak or offer amendments at crucial times—when push comes to shove—on an issue. Therefore, it is not possible for a Republican Senator to even offer an amendment without having it gutted if the Democratic manager of a bill persists in the notion that the Senate should not even vote on a particular amendment—such as the one I have just read to you.

I am now going to be able to offer that amendment in just a few minutes, and get it voted on by the Senate, because the Senator from Massachusetts had a change of heart overnight—perhaps because I fully intended to spend 7 or 8 hours on this floor discussing the amendment until I could offer it.

What is going to happen next is totally predictable. I shall offer the amendment and get a rollcall vote set for it. Then Senator KENNEDY is going to bring in Senator John DANFORTH, or somebody else, and they will attempt to muddy the water about what the issue raised by the amendment is. But I want the people of America to understand exactly what it is that really upsets them. It is this amendment language on the easel, which says that:

No funds made available through the Department of Education under this act, or any other act, shall be available to any State or local educational agency which has a policy of denying, or which effectively prevents participation in, prayer in public schools by individuals on a voluntary basis. Neither the United States nor any State nor any local educational agency shall require any person to participate in prayer or influence the form or content of any prayer in such public schools.

For those Americans who may be watching on C-SPAN, I suggest that you begin right now—if you favor this amendment on school prayer—to call your Senator. The telephone number is on the easel, let me read it, 1-202-224-3121. Ask for your Senators from your state and tell them how you feel about the amendment. If you are opposed to this amendment, tell them that. But please help ensure that the Senate has a vote on it that is meaningful.

Mr. President, I am going to refer to the text of this amendment from time to time so it will be clearly understood

by the public and Senators. All of the exhortations and obfuscations you will hear later you can make up your own mind about.

An almost identical amendment to this one was passed in 1989 by the House of Representatives by a vote of 269 to 135—I repeat, 269 to 135, almost two to one. This amendment—I shall reiterate time and time again in this discussion—will prevent any school district which has a policy of prohibiting voluntary student-initiated prayer in the schools from receiving any Federal funds authorized by this act or any other act.

Let me make it clear that this amendment does not mandate school prayer or require schools to write any particular prayer. It simply forbids school districts from setting up official policies or procedures with the intent and purpose of prohibiting individuals from voluntarily saying prayers at school.

Senator DANFORTH and others may come in here and say, "Oh, how are you going to do this," and "How are you going to do that?" But let me remind Senators that for over 50 years this century—no 60 years in this century—there was no problem. Prayers were said everyday in my grammar school and high school—public schools—until that lady from Pennsylvania, using her little boy as a pawn, agitated on the issue until it came before the Supreme Court. And we know what the final result was.

Mr. President, in short under the amendment, if a school district actively prohibits voluntary student-initiated prayer in school, then under this amendment, yes, that is right, old HELMS is proposing that that school district lose its Federal funding. However, if the school district does not address the issue of prayer at all, then the funds will not be cut off. As long as they do not take a position one way or another—because that will restore the situation to what it was before all this foolishness started and when principles meant something in the schools—and I mean p-r-i-n-c-i-p-l-e-s.

Again, so there will be no confusion, a school is not required under this language to do anything in favor of voluntary prayer. It merely must refrain from instituting policies prohibiting voluntary student prayer.

As I said, Senators are going to hear all sorts of obfuscating remarks, but I hope the C–SPAN cameras will focus on language on the easel again, just so there will be no mistake. This is what the amendment says. This is all the amendment says:

> No funds made available through the Department of Education under this act, or any other act, shall be available to any State or local educational agency which has a policy of denying, or which effectively prevents participation in, prayer in public schools by individuals on a voluntary basis. Neither the United States nor any State nor any local educational agency shall require any person to participate in prayer or influence the form or content of any prayer in such public schools.

And if those of you listening out there in America are in favor of this amendment, I implore you to put in a call to your Senator. If you cannot get your Senator personally, talk to their administrative assistant or their legislative assistant. If they will not talk to you about it, you can pretty well assume that that Senator is not going to vote for the amendment. Maybe not in all cases, though.

Once again, there is the phone number on the easel: 202–224–3121. Call and ask for your Senator and say, "Where do you stand on school prayer?" If you get a "non-answer," you can consider that that is an answer.

Mr. President, let me mention for the RECORD that language similar to the amendment that I will offer has been a part of every education appropriations bill since 1982. For instance, section 304 of the Departments of Labor, Health and Human Services, and Education Appropriations Act of 1993, passed just this past October, states that:

> No funds appropriated under this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

Perhaps there are some parents out there watching this debate can attest that the principals or superintendents of their schools are scared of their shadows and have shut off any consideration of voluntary student-initiated school prayer for fear that they will be called on the carpet by the Federal bureaucrats or the ACLU—the dreaded American Civil Liberties Union.

That is the formidable intimidation that exists right now, Mr. President.

Now, let me read you from this other little book. It is called the CONGRESSIONAL RECORD. This is the issue for February 2, which is yesterday, and what do you know—the first thing entered in the CONGRESSIONAL RECORD for the House of Representatives yesterday reads as follows:

> The House met at 2 p.m.
>
> The Reverend Donald Frederick Lindstrom, Jr., Episcopal Church of the Mediator, Meridian, MS, offered the following prayer.

Is it possible that the Supreme Court has not said anything about prayers in the Senate Chamber or the House Chamber. Official prayers are offered every day in both houses.

Now let us read the Senate proceedings in the RECORD to see how the Senate began yesterday morning.

Well, what do you know—first page of the CONGRESSIONAL RECORD for the Senate for Wednesday, February 2 reads as follows:

> The chaplain, the Reverend Richard C. Halverson, offered the following prayer.
>
> He said:
>
> Let us pray.
>
> Eternal God, Lord of history, Ruler of the nations, with profound gratitude we thank You for the words with which the Constitution begins.

Then Dick Halverson continued with his typically eloquent prayer.

So you see, Mr. President, the Senate and the House can begin their days activities by praying with impunity, but not so American children in the public schools.

Now, I fully expect some Senators to argue later, "Oh, yes they can. HELMS is wrong."

But Mr. HELMS is not wrong. The American people perceive a lot of things, and that is the reason an overwhelming majority of them support restoring prayer to the schools. I do not know how Senators are going to vote. I do not even know whether the American people are calling their Senators' offices right now on the number I gave out. But is it not astounding that the Senate, the House, the Supreme Court, all begin with a prayer. Yet, you cannot do that in the schools—it is taboo.

I watched, a little over a year ago, the present President of the United States take the oath of office. And where do you reckon his hand was placed when he took that solemn oath? On the Bible. Yet the Supreme Court of the United States says school children cannot have anything to do with prayer when they are at school.

But, thank the Lord, in the polls, every poll that I have ever seen, the vast majority of the American people readily recognize the moral and practical imperatives of restoring school prayer. I hear it every time I go home. About a third of the mail that I get from parents makes the same plea, "Why? Why can you guys pray but my child can't?" We are going to answer that question shortly with a rollcall vote.

Mr. President, Reader's Digest magazine commissioned the Wirthlin Group to conduct a poll on the school prayer issue back in 1992. The Wirthlin Group found that, what do you know, 80 percent —eight, zero percent—of the American people disapprove of the Supreme Court's ruling that it is unconstitutional for prayers to be offered at high school graduations. What a silly ruling. I do not know what the Court was doing when it decided that case.

The Wirthlin poll also showed that 75 percent of Americans favor prayer in the public schools. And Reader's Digest pointed out that these opinions in favor of school prayer were expressed by Democrats, Republicans, blacks and whites, rich and poor, high school dropouts, college graduates, reflecting a profound disparity between the citizenry and the Court.

Despite this massive public support, all we ever hear on this matter is that the Constitution prohibits governmental establishment of religion. So what? That has nothing to do with the issue.

Read the first amendment. See if you can find any basis for the despicable situation in which we find ourselves in this country, when kids are shooting each other, when no moral principles survive in the schools or in many families, or anywhere else. We have run the gamut. Of course, the social engineers blame it all on poverty. They blame it on not spending enough Federal money. But what we really not have enough of is the moral character and backbone in this country needed to restore the family by restoring the principles that once guided us as a nation and as individuals in this country.

Despite all of this massive public support, all we hear from the media and the lawyers is that the Constitution prohibits governmental establishment of religion. But that has nothing to do with school prayer.

Because if it did, Mr. President, if the establishment clause really outlawed officially sponsored prayer, we would not be praying in this Chamber and the Supreme Court itself would not be able to open its own sessions with prayer. And the President of the United States would not put his hand on the Holy Book as he takes the oath of office. It is reductio ad absurdum, the ultimate absurdity, to interpret the first amendment as so many have interpreted it to prohibit school prayer.

Justice Potter Stewart, one of my favorite people—I miss him—dissented in one of the Supreme Court's earliest school prayer cases and I applaud him for it. Potter Stewart said in that dissent, and let me quote him:

> A compulsory state educational system so structures a child's life that if religious exercises are held to be an impermissible activity in school, religion is placed at an artificial and state-created disadvantage.

In other words, the Government creates a disadvantage for religion if it keeps religion out of the schools, and that has surely been the result. To continue Potter Stewart's comments, he said:

> Viewed in this light, permission of such exercises for those who want them is necessary if the schools are truly to be neutral in the matter of religion.

Of course, Potter Stewart was absolutely right. Then he continued:

> And a refusal to permit religious exercises thus is seen, not as the realization of state neutrality, but rather as the establishment of a religion of secularism.

Mr. President, Potter Stewart accurately predicted that governmental intolerance of religion would be the natural and precise effect of the Court's decision to ban school prayer. And can there be any doubt that the Supreme Court's myriad of school prayer decisions have in fact fueled governmental intolerance—and assaults—on any vestige of Christianity in the public schools?

Let me pause at this point to repeat to anybody who may be watching the Senate session who is interested in the school prayer issue, if you are in favor of the amendment that I am talking about, call 202-224-3121 and ask for your Senator. If they shove your call aside, make a note of it. But you deserve an answer. You are entitled to know how your Senator stands on the issue, and how they intend to vote.

Mr. President, let me cite a few examples of government's overzealous assaults on religion in the schools. Even in my State of North Carolina, which some of my liberal friends sarcastically refer to as being part of the Bible Belt—and I will proudly plead guilty to being from the Bible Belt—the confusion growing out of the Supreme Court decisions has left its mark.

There was a teacher in Lexington, NC, a man named Ronald Chapman, who resigned his job because he refused to end his 32-year tradition of reading the Bible and praying with his special education students. For 32 years, he had the enthusiastic approval of both students and their parents. But the school authorities put the heat on him about it until he quit. He said, "If I cannot have a prayer and give them hope from the Bible, forget this job. I quit." I do not think he should have quit. But I can understand the frustration that led him to it.

Then, in Thomasville, NC—a furniture manufacturing center in the same county—a school superintendent banned the decades-old tradition of permitting a public prayer before high school football games—somebody had protested to the ACLU of course.

And then a Federal court prohibited a State judge in Charlotte from opening his own court session with a prayer for wisdom and guidance from God, even though the Supreme Court itself, which caused all of this absurdity, opens every one of its sessions with prayer.

Since governments have put restraints on religious freedom in public all over this country, confusion has become rampant and people are discontent because moral principles and rights are being watered down.

I think it is possible to pinpoint when the decline of this country really began. It began when Madalyn Murray O'Hair—according to Madalyn Murray O'Hair's own son—conspired with Communist attorneys who came to her home to orchestrate the lawsuit that resulted in the first Supreme Court decision banning prayer.

Since that time, America has been on the slippery slope. Morality has been all but forgotten. It is scoffed at in a lot of circles. As I said earlier, right here in Washington, DC, if you have kids killing kids with guns, they say: OK, we have to have the Brady bill and control the guns, not the kids. But that will not stop it.

And of course it will not. The District of Columbia, I should observe parenthetically, has the toughest gun control law I believe in existence anywhere; certainly in this country. Yet, Washington, DC, is known as the "Murder Capital of the World," and the "Crime Capital of the World."

I believe, and millions of Americans believe, it is because we took this Book out of the schools. Away with it, and along with it went all regard for principles, fundamental principles including those concerning love for our fellow man and respect for human life.

Mr. President, in the State of Florida not too long ago, a school principal felt personally obliged to use his scissors to remove pictures of the Bible Club from each and every copy of the high school annual because he felt the Supreme Court's school prayer decisions required it.

So he took his scissors and took each one of the high school annuals and clipped pictures that might have any relationship whatsoever with religious matters out of the book.

In a number of States, believe it or not—and I am not making this up—students have been prohibited—forbidden—from praying in their cars in school parking lots before school even begins or during lunch. They cannot even bring their Bibles into the schools with them.

In Colorado, a Denver school tried to have all copies of the Bible removed from school libraries on the grounds that their presence on the shelves was an infringement of the Supreme Court decisions on school prayer. The lawyers can say they misread the Court's decision if they want to, but I am talking about the practical effect of the decisions all across the country.

There have been at least three separate studies, and maybe more than that, Mr. President, that have noted the textbooks in the public schools systematically shun the role of religion in molding the Nation and motivating our leaders because the publishers believe that the Supreme Court decisions require such censorship. I do not think they do. I do not think the Court intended that.

My older daughter is an elementary school principal. Governor Martin appointed her—Jane Helms Knox—to two successive terms on the State Textbook Commission, and Jane was appalled at what the textbook publishers have been doing. Bless her heart. I am proud of her. She said, "I am not going to approve these books unless you put some of our religious history back in."

Then, of course, there are my favorite organizations, the American Civil Liberties Union, and all the other liberal extremists. They are running all over the country using the Supreme Court ruling in the Weisman case to force school boards to ban public prayers at high school football, basketball games, commencements, and other school activities.

But, thank the Lord, all over this country good, old, plain American citizens are fighting back, and I am here today because I want them to know I am proud to be on the same team with them. We may lose today, but I say to them that we are going to continue to fight. If this amendment is not approved today, it is going to be back again and again and again, as Franklin Roosevelt once said.

In many cities and towns, school officials are providing a moment of silence in lieu of public prayer, and the people are grasping the opportunity to spontaneously recite the Lord's Prayer in unison. I guess the American Civil Liberties Union considers that to be a rebellion. But if that is a rebellion, Mr. President, let the people make the most of it.

But these spontaneous acts of prayer have been too much for the antireligious bigots in some cities and with the American Civil Liberties Union's help they have gone back to the Federal courts to try to block even moments of silence before ball games and other events.

Finally, there is the episode in Mississippi where the principal of a high school, Dr. Bishop Knox, was suspended and then fired, believe it or not, for allowing the students to read a short interdenominational prayer over the school intercom. What a terrible thing to let a student do, but that is how far we have come. The students themselves—and this is the point, Mr. President—in the Mississippi school had voted 490 to 96 in favor of having this brief prayer read during morning announcements.

Let me tell you, I was discussing this issue the other day with a friend from North Carolina. He said you spend a lot of time with young people. The truth is that I have never failed to meet with a young person or a group of young people who have come to see me—I met with a group, took them into the Vice President's Office just a little while ago before I began to speak today. I told them, as I so customarily do, that I get sick and tired of hearing that old expression about young people going to the dogs, that the younger generation is going to the dogs.

Mr. President, it is not so. They said that in the ancient time of Demosthenes. It was not so then and it is not now. The fact is that the young people who come to see me are fabulous—and I cannot believe only the young people who are conservative come because a lot of them say they do not agree with me on various things. By the way, I do not spend any time, I invest a lot of time with young people. But just last week—and this has happened a number of times in the past 20 years—I met with a group of people and the voting light came on and I said, "Well, I have got to go vote. Would you like to see the Senate in a roll call vote?" They said yes, so we came over. Before we did, however, one young lady took my hand and she said "Senator, before we leave, can we have a word of prayer?" And we did, standing there in my office.

I would not have thought about doing that if I ever had the privilege of meeting a Governor, a Senator when I was that age. But these young people are groping and grasping for role models. They want to do the right thing but they have so many forces pulling and tugging and say, oh, that is politically incorrect when they know what they need to do and these young people know what should be right. They have a familiarity with this Book and they have a desire to communicate with their God. No thanks to school administrators—no thanks to the U.S. Supreme Court, no thanks to the Congress of the United States.

But going back to where I started, what are we doing when we do not pass an amendment like this because we bring in the sophisticates to say, "Oh, what are you going to do if there is an Arab prayer?" I tell you what I would do. I would let there be an Arab prayer, anybody who wants to pray. You are going to hear that kind of argument in rebuttal to this amendment but the Senators are going to have a chance to vote for this amendment whether they make that argument or not.

Perhaps the irony of ironies in the whole situation, Mr. President, are the news reports recently about the spiritual resurgence in the republics of the former Soviet Union. Billy Graham, who I consider to be one of the greatest products North Carolina has ever exported, has told me about his experiences in the Soviet Union when it was the Communist Soviet Union and his experiences after that time.

A similar account was given in a January 4, 1998 Newsweek article detailing how the republics now, the former members of the Soviet Union, are allowing prayer and religious instruction in the public schools—and this was from Newsweek magazine. Let me quote:

"[T]here is a religious revival in Russia, and educators—pressured, at times, by parents—are searching for ways to give students an ethic to live by. In a change as radical as its embrace of democracy, Russia—like several other former Soviet republics—has embarked on a massive effort to bring the teaching of religion back into its 160,000 schools.

There is the story of one Soviet schoolteacher, a lady. She has been teaching for 40 years and is an atheist. She understands the need for religious foundations in order to maintain her country's social fabric at this difficult time.

She said:

Now [our] belief [in Lenin] is gone and that is why we have to turn to Jesus.

Oh, mercy. Can you not imagine the consternation among some Senators and some people in the administration and maybe in the Supreme Court, not to mention the ACLU at such a statement? Think of this woman being so dumb as to say that we must turn to Jesus in the Soviet Union.

There might be some Moslem over there who does not like to hear about Jesus, so we just have to throw the whole baby out with the bath water.

This Soviet teacher went on to say:

Either the children will learn from his example, or they will turn to crime, drugs, and alcohol.

Wonder where she got such a misconception? I think she must know what is going on in America today.

The former Soviet republics obviously learned the hard way that without the underpinning of religion, no society, no economy, can survive, much less prosper. Unfortunately, it appears that the cultural and media elite in this country are determined to force us to learn the same lesson the hard way, with or without the consent of the majority of Americans who favor this amendment, whether Senators vote for it in the majority or not.

And then there is George Washington's final counsel. Do you remember that, Mr. President? His words are just as applicable today as they were the day he said them over 200 years ago. He gave a warning to this new Nation, which he had headed. He said:

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism who should labor to subvert these great pillars of human happiness.

AMENDMENT NO. 1382

Mr. HELMS. Mr. President, I send the amendment to the desk. And as the clerk reads the language of the amendment slowly, I hope the C-SPAN cameras will focus on that language on the easel here so that the people at home can see.

The PRESIDING OFFICER. Without objection the pending amendment will be set aside.

The clerk will report

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 1382.

At the appropriate place, add the following:

"No funds made available through the Department of Education under this Act, or any other Act, shall be available to any state or local educational agency which has a policy of denying, or which effectively prevents participation in, prayer in public schools by individuals on a voluntary basis. Neither the United States nor any state nor any local educational agency shall require any person to participate in prayer or influence the form or content of any prayer in such public schools.".

Mr. HELMS. Mr. President, two things. I believe we neglected to lay aside a pending amendment, is that correct?

The PRESIDING OFFICER. That was granted by the Chair.

Mr. HELMS. Mr. President, the distinguished Senator from Mississippi [Mr. LOTT] desires to cosponsor the amendment. I ask unanimous consent that his name be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. In conclusion, I call attention to the telephone number for the Senate. If anybody watching is interested, use your telephone.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. DANFORTH. Mr. President, there are some things that cannot be done by people in the name of their religion on the floor of the U.S. Senate. There are some things that must be done in one's own life and in one's own community.

That realization that there are limits to what Government can do and what Government cannot do pertaining to religious activity is the rationale for this Senator, or one of the rationale for this Senator, leaving the Senate.

That is not to say that important values cannot be stated on the floor of the U.S. Senate and even furthered on the floor of the U.S. Senate. But what is done here in Washington can never be confused with religious observance or purely religious activity. At least, it does not encompass the totality of religious activity.

So I would simply like to point out that when we deal with religious matters in Government, when we deal with religious matters in Congress, it is not necessarily a question of: Well, who is for religion and who is against religion? It is not a matter of let us go to the Senate floor and vote on whether or not we are going to be religious. Because, in fact, there is not any religious position that I know of on this legislation.

There are various denominations, I am sure, that have various views on the efficacy of school prayer and the wisdom of having prayers in public schools.

But this is not a vote or an amendment dealing with whether or not a Senator or whether or not the country itself is on God's side or not on God's side. That does not have anything to do with it.

Nor is this a constitutional issue that is being raised today. The Senator from North Carolina has not offered a constitutional amendment. It is not possible to amend the Constitution of the U.S. by an act of Congress. Whether or not there are constitutional prohibitions on prayer in school, how the Supreme Court interprets those constitutional limitations is in no way affected by this amendment.

This amendment implies that we take the Constitution as we find it, that we take Constitution as it has been interpreted by the United States Supreme Court. And, taking it as we find it, then we decide what to do about a particular amendment offered on the floor of the Senate.

So this amendment does not open up new constitutional possibilities for prayer in school. No, it does not. It does something else.

This amendment is what is known as a mandate. This is a mandate from Washington, or a proposed mandate from Washington, directed from us to the school districts of America.

Now, there are those who believe that we should be uttering mandates from Washington about everything and anything that goes on at the local level. There are those who believe that we in Washington know how local school districts should conduct their affairs, and, knowing how local school districts should conduct their affairs, we then hand down our orders.

Here is the way we hand down our orders from Washington. We say: Do you want our money? School districts of America, we have money in Washington, seemingly unlimited money. It does not matter if we raised it in taxes or not. If we do not have enough that we taxed from the American people, we borrow it. We have money. Would you like it? Would you like to have Washington's money? Well, if you want Washington's money, do things Washington's way. And that is exactly what this amendment does. It is a mandate.

We in Congress, if we pass this, have decided that our money, Washington's money, will not be available through our Department, the Department of Education, under this act to State or local school districts that deny or effectively prevent participation in prayer. That is our mandate.

My understanding of the debate heretofore on this bill that is now before us, Education 2000, was that a lot of people did not believe in Government mandates. A lot of people believe that the answers should be in the local school districts or in the States, not in the Congress of the United States; that we should be very reluctant to condition the granting or the withholding of Federal funds on people in the school districts doing things our way. That was my understanding of the debate prior to this afternoon.

But now we are told, school prayer is different. We believe in it. And, really, we know the answers, and the decision should no longer be made in the school districts. We in Washington should make the decision. If the school districts want our money, then they should comply, like it or not; no discretion. No discretion. No ability to make a judgment on the basis of the particular needs or the judgment of the people on the school boards of America. Forget them. What do they know? Poor dumb clucks out there. We know the answers here in Washington. So we pass a mandate, conditioning the granting or the withholding of Federal funds on the school boards of America doing things our way.

Let us suppose that there is a school district out there somewhere that is Northern Ireland writ small. Let us suppose there is a community somewhere in America where there is terrible dissension on the basis of religion. Let us suppose that it is someplace, say, in a State where Mr. Louis Farrakhan's representative has been making 2½-hour speeches castigating Jews. Let us suppose that a school district would say to itself: In this kind of volatile atmosphere we really think it would be better if our schools would not be involved in the business of the practice of religion.

We would say by this vote: We do not care about what you think. We do not care about the conditions in your school district. So what? What if there is disruption? What if people are at swords points in your community over religion? What if there have been all kinds of incidents, swastikas painted on buildings in your school district? What if Protestants are against Catholics? What if there is a true minority religion and it feels put upon in that community, and your school district says: Let our school be an island of peace. We do not care about that. Because if you want Federal money, you better do things our way. The central office has made the decision on this matter, not you in the local school districts.

I would point out, incidentally, that this amendment may be a backdoor way of preventing Federal funds going to any school district because there are cases where the Supreme Court has said that, under certain circumstances, what could be denominated as voluntary prayer is unconstitutional. If a schoolteacher stands up and says, "We are going to have a voluntary prayer in this school. You kids are free to join in it or not to join in it." It is my understanding that that is not permissible under the Constitution, as interpreted by the Supreme Court. This particular amendment does not do anything about the Constitution. But it does say that in that case, if a school district takes the position that it is going to comply with the Constitution, then that compliance with the Constitution is a limitation on voluntary prayer, thereby cutting off Federal funds.

So I point out the fact that the way this amendment is drafted it could be a trap. It could be a trap that says to school districts that, unless your schools operate in an unconstitutional manner, the funds are no longer going to be available.

I would also like to call the Senate's attention—I am sorry the exact form of the amendment, the wording, has been covered up. It is a very, very interesting last sentence which I will read to the Senate.

"Neither the United States nor any State nor any local educational agency shall require any person to participate in prayer"—so far, so good—"or influence the form or content of any prayer in such public schools."

Let me emphasize the key points. Educational agencies, school boards, cannot "influence the form or content of any prayer in * * * public schools."

Under this amendment, if they do that, their money is cut off. School boards cannot influence the form of prayer. What does that mean? Let us suppose that, on a purely voluntary basis, a student in a public school decides that prayer out loud, in a loud voice, is the best kind of prayer. The student stands up in the middle of the class, disruptively, and begins to pray. Does this amendment say—and I think it does—why, the schools cannot do anything about that. This is prayer. We cannot influence that, because that is the form of prayer.

Do we mean that there is an absolute first amendment right enforced by the granting or withholding of Federal funds for children in schools to do anything in the name of prayer they want to do? To pray in any form at any time in any voice with any degree of disruption in the classrooms, out of the classrooms, in-school hours, out-of-school hours, in the middle of the math class, during tests, various sects? What kinds of religion? Satanism? Native American religions relating to peyote? Is that a form of prayer? The schools cannot do anything about that.

Mr. President, this is the kind of question that is raised when we in the U.S. Senate decide that we really do have all the answers, broad sweeping answers, answers to be mandated from Washington, answers to be issued to all people throughout this country in all school districts under all circumstances. We have all the answers to take away any discretion, any sense of responsibility that exists out there in America for people to say, here is what is in the best interests of our community.

Maybe there are those of us who believe that there should be prayer in public school. That is a different issue. I would be prepared to debate that, and I have debated that issue on the floor of the Senate. That is a different issue, whether or not there should be the possibility of prayer in public school. That is an issue to be determined constitutionally, not by statute.

But here we are not saying whether there should be the possibility of schools adopting some sort of program, we are saying from Washington, "Well, schools, you have to allow prayer in your schools and you cannot influence the form or the content of those prayers." It is a mandate. What is so great about that? What is so great about Government mandates? What is so great about Washington control? If we truly believe that there is a moral crisis in America—and I believe that—how many of us truly believe that the answer to that moral crisis is on the floor of the U.S. Senate? If we believe that there is a moral crisis in America—and I do—how many of us truly believe that this great country is waiting with bated breath for yet another amendment to be adopted by 100 Senators in Washington, DC? Is this the moral problem in America? Are we kidding ourselves? Are we taking an inflated view of our own importance? Are we taking the people of America themselves and our families and our parents off the hook?

Does the most fervent believer in prayer really think that the answer is in this kind of an amendment with mandates from Washington? Or is the answer much closer to the real world than this? Are the values in the home and are the values in the family and are the values in good parenting and in the churches? What is wrong with the churches? I thought that was where the religious nurture of children took place, not in public schools.

I hope we defeat this amendment. I hope we defeat this amendment not only because it purports to put the answer where it is not, but because in the actual reading of this amendment, it is a trap: Funds granted or withheld according to sweeping principles established in Washington, no discretion in school districts and in school boards to try to handle specific problems, even disruptive and volatile problems in their own communities; no ability of a school district even to decide to comply with the Constitution of the United States for fear of losing funds; and no ability of schools or school boards or principles or teachers to maintain some kind of decorum in the school and in the classroom, because under this, governments at any level, including the school boards, cannot influence the form or content of any prayer. Wide, sweeping, broad, powerful, big-Government answer to the problems of our country. It is not a good amendment. I hope the Senate defeats it.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER (Mr. FEINGOLD). The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I rise to speak against this amendment, but before doing so, I want to express my appreciation to the Senator from Missouri, who certainly set out the realities of this whole issue as we approach it. I think every Member of this body has a great deal of respect for the Senator from Missouri, an Episcopalian minister by profession, a Member of this body, a very well-regarded Member of this body. I think he has very explicitly, very eloquently, very clearly indicated why the Senate should not be going down the road of adopting this kind of an amendment.

On behalf of myself, but I have the feeling I speak for 98 other Members of the U.S. Senate when I tell him how grateful I am for his leadership and his opposition to this amendment.

I do want to speak to the amendment myself. I feel strongly about it. I want to say, as I understood the Senator from North Carolina, when he was presenting this proposal, he read from something and I thought he was suggesting and I thought I heard him say that this is the language of some present law. I may have misunderstood him. But I want it clearly understood, to the best of my knowledge, this is not the language of any present law. This would be new law. I hope it will not be new law.

The Goals 2000 act, which we are considering and to which this amendment is being suggested, is probably one of the most important bills this Congress will pass this year. Productive and challenging schools are just as important for the future of our Nation as affordable health care, personal safety, economic prosperity. Yet, now we find ourselves diverted from the important business at hand so that some can make political points and hold up the President's agenda.

At a time when we are seeking to find common ground for improving our schools—and God only knows we sure have an obligation to try to do that—the divisive issue of school prayer is needlessly being injected into the debate. The separation of church and state is a cornerstone of our Constitution. The Constitution's establishment clause separates church from state to ensure that the religious beliefs of our citizens are dictated solely by their conscience and not by their Government.

Before they came to this country, our Founding Fathers had firsthand knowledge of a society with Government-supported churches. They understood the persecution and social divisiveness which results from the union of church and state. For well over 200 years, we have been fighting to preserve that separate position.

As a matter of fact, I was looking at the Congressional Research Service report on this subject, and let me explain for those who are listening what is constitutionally permissible according to the Congressional Research Service.

It says:

Supreme Court decisions, coupled with dicta in the Court's opinion and related State and lower Federal court decisions, make clear that not all Government involvement with religion in the public schools is constitutionally forbidden. The courts have repeatedly affirmed, for instance, the constitutionality of Government sponsorship of objective instruction about religion, about religious literature such as the Bible, and about religious holidays as part of a secular program of education in the public schools.

It goes on to say:

Moreover, no decision bars an individual student or teacher from engaging in private

prayer or other religious activity during the school day, at least so long as it is not disruptive of the school environment and does not connote school endorsement of the activity.

But this amendment would go much further. This amendment would practically insist upon, require, the utilization of prayers in school.

It is simply not true that prayer has been banned for public school students. The Supreme Court has never forbidden students from engaging in quiet, personal, and voluntary prayer. Students can also form and attend voluntary prayer groups and Bible clubs on school grounds. But the Helms amendment would go well beyond these well-established principles and practices. It could be argued that it would require schools to grant a student's request to designate a time at school for prayer. Even if the school-sponsored period of prayer is for voluntary and individual prayer, the Supreme Court has clearly held that such a prayer period amounts to Government endorsement of religion.

In the case of Lee v. Weisman, the Supreme Court held that a school may not establish a period for prayer at a graduation. In that recent 1992 decision, the Court concluded that by establishing a period for prayer, a student who objects "has a reasonable perception that she is being forced by the State to pray in a manner her conscience will not allow."

Forcing someone to pray is not what this country stands for, but it is what this amendment stands for.

Those of us who defend the principle of church and state are often accused of being antireligious. Nothing could be further from the truth. Anyone who truly cares about religious freedom should fight against any law that allows the Government, which includes public school officials, to tell us when, with whom, and how we should pray. Religion should be a matter of individual conscience and not Government edict.

I urge my colleagues to oppose this amendment.

My colleague from North Carolina, when he offered this amendment, held up a large board for the TV camera to zero in on and said call 1-202-224-3121 if you support the amendment. But I want anyone who might be within range of my voice to know that that same number can and should be called to indicate that you are opposed to prayer in the schools, and that the Helms amendment moves us in that direction. Call your Members of the Senate. Ask for your Senator and say you do not want prayers in the schools and you do not think the Senate ought to be butting into this area; that you believe the Senator from Missouri stated it very well when he indicated his opposition to this amendment because he was not certain how far it would go, and that he did not think this was the manner in which it should be done. He made it clear that at some point he might be in favor of considering the whole question of prayer in the schools but not in the Chamber of the Senate.

So I say to anyone who feels strongly that we do not want prayer in the schools, we want to maintain the separation of church and state, indeed, pick up the phone and call 1-202-224-3121 and tell your Senator you do not want any amendment to be adopted in this Chamber that makes it possible for or requires schools to open their doors to prayer in the schools.

That is not what this America is all about. It has not been that for over 200 years. There is no reason for us to move in that direction at the present time.

I urge my colleagues to defeat this amendment.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, first I wish to say the comments of Senator DANFORTH simply illustrate why he is a valued Member of this body and why, after this year, we are going to miss him. He is absolutely on target.

This is—let us label it correctly—compulsory voluntary prayer. It is a strange beast that is being thrust upon us. But it is a beast. The Supreme Court uses what they call the Lemon criteria for determining whether something is constitutional in this area of church and state. Unlike a phrase that is taken out of context from Thomas Jefferson, we do not have an absolute separation of church and state or a wall of separation between church and state. If the local Methodist church is on fire, we call out the fire department. But that same help is there for the Catholic church or the Jewish synagogue, or whatever it might be.

But we have, in the Lemon criteria, said that any excessive entanglement between church and state is contrary to the Constitution. And I think this clearly violates what the Supreme Court has said.

My father was a Lutheran minister. My brother is a Lutheran minister. I came from a home where I understand the desire of having genuine religion. But genuine religion has to come from the heart. Do not expect the Senate or our schools or some other organization to do what our homes should do, what our churches, our synagogues, and our mosques should do. And when you say that we are required to have voluntary prayer, whose prayer is it? For example, according to the last census, we now have more Muslims in the United States than we have Presbyterians in the United States. I do not think most people realize that. I can see a lot of communities that might be very unhappy to have a Muslim leading that opening prayer at whatever the occasion might be, whether it is a class or not.

And then, when you say "voluntary," let me tell you an example that a colleague of mine in the House told me, that I used in debate after debate when I ran for the Senate in 1984, when I was getting hit over the head for opposing a constitutional amendment on school prayer.

Congressman DAN GLICKMAN is a respected Member of the House of Representatives. When DAN GLICKMAN was in the fourth grade, they had voluntary prayer in his school. Because he opposed this by his matter of conscience, every morning DANNY GLICKMAN, who happens to be Jewish, was excused from that fourth grade classroom and then brought back. Every morning, DANNY GLICKMAN was being told "You're different," and all the other fourth graders were being told DANNY GLICKMAN was different.

That is voluntary prayer. But let me tell you, that is something that is not good and something we should not have in this country.

I am sure this amendment is well intentioned.

I am equally sure that it is not good for the country. I hope we do the right thing. This amendment ought to be rejected, and rejected decisively.

Mr. BROWN. Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. KENNEDY. Mr. President, as has been stated previously, we will have the opportunity to address the amendment of the Senator from North Carolina. Then we will have an opportunity to consider an alternative to that which will be presented momentarily. At this time, I suggest the absence of a quorum. Before doing that, I would expect we would not take very much time on the introduced amendment. So we are expecting, I imagine, two back-to-back votes in the very near future.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. KASSEBAUM. Mr. President, I would like to speak just for a moment about the amendment before us. I am not sure that any words spoken on the floor will change minds. I think it is particularly appropriate that on a National Day of Prayer, with the prayer breakfast this morning, we are debating the question of whether there should be prayer in public schools. Some have raised the point that some schools have prayers offered, and some

have not. I do not think there is anyone here who would, in any way, not want to state clearly and sincerely the importance of prayer in our daily lives. One can pray anywhere, and many do.

I think those of us who have spent a good bit of time in the classroom—whether as teachers, whether as assistants, whether as tutors—recognize the challenges that come in a classroom. I believe the difficulty today is in developing a spoken prayer that recognizes the diversity of religious beliefs in this country and is constitutional. In the past, we have debated the issue of a moment of silence in which students can pray. In addition, there is nothing to prohibit one's offering a silent prayer in the classroom. From the number of hours and years I have spent in and out of classrooms when my own children were going through school, I believe it is important to start the day with a moment of silence.

I think that everyone can pause and reflect on those things that are meaningful to them in their lives. I think it is important for young people to have that sense of discipline and responsibility in starting the day that way.

But, I think for us to get involved in a debate in which we try to say that schools should have prayer at the beginning of the class really takes away from the importance, the meaning, and the depth of the belief that individuals should have in praying as they choose.

Saying that this amendment is not the way to do it in no way negates the importance of prayer. But, for all of us who have spoken pro and con on the amendment, I think the question really is how to do it. On that point, we can and do differ.

Mr. President, I yield the floor.

Mr. KENNEDY. Mr. President, I think in a very short time the Senate will have an opportunity to express its view on the amendment of the Senator from North Carolina, and also an alternative view that will encourage individuals in schools to take time for meditation, reflection, contemplation, or perhaps even a silent prayer.

I can remember back in 1962 when the Supreme Court actually made the decision on the prayer-in-school question. At that time, President Kennedy addressed the country and talked about the importance of prayer in the family and how important that dimension was in terms of individuals, in terms of families, and in terms of the spiritual well-being and life of individuals in this country.

He also reminded the American people of the role of the churches and the synagogues across this Nation, how important it was that all of us as individuals support those efforts, and how important it was that those great institutions have a powerful impact on the lives of all of us.

At that time, Mr. President, it was really quite clear that, prior to that decision, there was very considerable concern that children, who are basically captive audiences—unlike those of us here in the U.S. Senate —and are impressionable, and are influenced by a great variety of different kinds of factors.

Just yesterday we took a vote in the U.S. Senate about the teaching of an individual who was understood to be a minister of a faith. We had on the floor the introduction of his speeches and statements that he had given at universities and colleges, and the characterization of those teachings or expressions by that minister that appealed to the darker and baser side of individuals, and which talked in a way of anti-Semitism, anti-Catholism, basically antireligious expressions.

We can think of others who present themselves as individuals of the cloth. Right now even as we are here, we are seeing a trial of individuals who were followers of David Koresh, who presented himself as a man of the cloth—as a religious leader. What if it were a David Koresh follower talking about insights or religious thinking. If one of those individuals got up and made statements in the public schools, there would be other individuals who would say that those statements were not appropriate for the young people in this country.

Under the particular amendment those school districts would be denied participation in this Goals 2000 legislation.

We can remember even in the thirties a Father Coughlin, who was a member of my faith and who was known for his racist and anti-Semitic positions. And that individual preached in churches. I do not know whether he did in schools or not. But there was no question that he had a wide following, not only in terms of individuals who believed as he did, but also within his own religion as a whole. If those individuals who followed him were to speak in certain schools, and others said that those teachings were racist or anti-Semitic, and therefore not appropriate teachings, those individuals would say: "Oh, no, no, this is prayer. This is prayer." What would be the impact of this amendment?

It is quite clear. It would be to deny those schools any funds.

So, Mr. President, the current law as spelled out in 1992 in appropriations and again in 1993 says:

> No funds appropriated under this act may be used to prevent implementation of programs of voluntary prayer meditation in the public schools.

That is the current law and as I understand, sustained constitutionally.

I know that there will be the proposal that will be put forth by the Senator from Missouri [Mr. DANFORTH] that will certainly encourage in our schools across this country those moments of contemplation, reflection, meditation, and silent prayer which are so enormously important in terms of the spiritual well-being of all of us.

I would hope, Mr. President, that at the appropriate time the Senate would favor that as an alternative to the amendment put forward by the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Thank you Mr. President, for recognizing me at this time. I do wish to speak on this issue, and I would like to begin it by quoting a prayer.

> Almighty God, we ask that You bless our parents, teachers, and country throughout this day. In Your name we pray. Amen.

That was the prayer of the students read over the public address system in Jackson, MS, at Wingfield High School. That was the prayer read by a young lady who, I believe, was the president of the student body. It was a prayer that was written by the students, delivered by students, and voted for by an overwhelming majority of the students.

The principal in that school said that that was OK. His name was Bishop Knox. He was an African-American principal who said the students have a right on a voluntary basis to read this prayer. It is not a very offensive prayer in anybody's mind.

After the principal stood up for the students' right to do this, he was fired. Nineteen students were suspended because they skipped class, out of protest, in support of the principal. After the principal was fired, 4,000 people attended a rally on November 28, 1993, on the steps of the State Capitol.

So, now, we are suspending students and we are firing principals because the students would like to have a voluntary prayer: A prayer they selected; a prayer that is nondenominational and is nonoffensive.

That is what we are talking about here—the opportunity to have a prayer on a voluntary basis that is designed by the students. In the case of Wingfield High School in Jackson, MS, they are being told they cannot do that.

We saw today, or I guess yesterday, in the newspaper where students tried to have a Bible club after school at a school, and they were told they could not do that—a Bible club. I mean just about anything else can meet at a high school or on school premises. But a Bible club was prohibited and, therefore, there is legal action now that has been taken by people saying, "At least we should have that opportunity to have a Bible club just like any other club meets in the school on a voluntary basis after school hours, not during class hours."

Let me go back and remember. I was a student in the 1950's and 1960's. I remember we had prayers. I do not remember anybody being run off or offended or mistreated. I remember it

helped get us in the right frame of mind for the day. I remember it helped the teacher get control of the students. I remember that.

I remember in the House of Representatives when I was in the House several years ago, led by former Congressman John Buchanan, we tried to get a constitutional amendment for a prayer. Basically on a procedural mistake we lost that vote. And there have been votes in the House and Senate over the years.

A lot of our colleagues come to the floor and say, "Oh, but not a constitutional amendment. Oh, not here; not that language; not this; not that." In the meantime, prayer has been taken out of our schools.

And yet, every day when we begin a session of the United States Senate, we pray. Our students cannot pray, but we do in the Senate. Maybe that prayer is led by a Catholic priest or Greek Orthodox priest or Jewish rabbi or whatever, but we do it. We then turn right around and tell our students they cannot pray.

It is OK to promote in our schools the distribution of condoms. That is OK. Sure. And we wonder what is happening to our kids in our schools.

What happened to discipline? What happened to respect for authority? What happened to knowing the difference between right and wrong? When do we teach a little character?

No, we can talk about all kinds of sex perversions, but we cannot have a voluntary prayer selected by the students.

This is no crime. In fact, Senator KENNEDY read language that is in the law that I thought sounded an awful lot like what this says.

No funds made available through the Department of Education under this Act, or any other Act, shall be made available to any state or local educational agency which has a policy of denying, or which effectively prevents participation in, prayer in public schools by individuals on a voluntary basis. Neither the United States nor any state nor any local educational agency shall require any person to participate in prayer or influence the form or content of any prayer in such public schools.

We have had a breakdown in our society of moral values. In my own State of Mississippi, where we have taken great pride over the years that our students respected authority and law and order. They were not prejudiced or bigoted. Students were raised, and are being raised, hopefully, to have an open mind and to not kill each other.

But even Mississippi is having problems. Let me give you some examples from the newspapers:

Jackson, MS: "Seventh Grader Arrested After Roaming Halls With Loaded Pistol."

Philadelphia, MS: "A Neshoba Central High School ninth-grader shot a classmate moments after the two were told to stop arguing and go to class." The student was 15 years old.

I am not saying that not having prayer caused this sort of thing, but I am saying it is one of the things that led to the crisis we have in America today.

This is no sweeping move to force anything on anybody. It is voluntary.

Now, Members are going to rise as warriors and as preachers and express great concern. They are going to wring their hands and worry about how terrible this is going to be in our schools. I do not see it.

We have an opportunity—an opportunity—to have a voluntary prayer. Who is that going to hurt? What is that going to do to undermine the spirit of America?

Almighty God, we ask that You bless our parents, teachers and country throughout the day. In Your name, we pray. Amen.

That was the prayer at Wingfield High School, Jackson, MS. Tell me where the damage is with that prayer?

I yield the floor, Mr. President.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

WHITEWATER

Mr. D'AMATO. Mr. President, I rise once again today to bring an issue of concern to my colleagues' attention, a matter of urgent public concern which revolves around the imminent running out of the statute of limitations in the Whitewater/Madison matter.

The clock is ticking. Soon the RTC will be out of time and the American people will be out of luck. Today is February 3, so we can mark off another day in the race against the ticking clock.

Mr. President, it appears that the American people are losing that race and, for all intents and purposes, it is a race that the RTC is primed to lose.

The RTC seems to be using an old college basketball strategy —that is, the four-corner stall. The purpose of the strategy is to run out the clock. We have a right to expect the RTC to play a fast break, as if there is a shot clock. If the clock does run out, the losing team will be the American people.

Mr. President, the statute of limitations runs out on February 28, or at least that is what I have been led to believe. This means that anyone who is responsible for the loss of possibly millions of dollars of taxpayers' money will be immune from civil action.

We are not talking about the criminal proceedings, which are a different issue related to the appointment of a special counsel. I am referring to the day when the RTC believes the statute of limitations on civil action will run out.

Mr. President, do not try to get a precise answer from the RTC about the statute of limitations. I have been trying to pin them down now for weeks. The RTC's so-called review of Madison must really be a covert operation. Either the RTC's views pertaining to the statute of limitations do not officially exist or they put the answer in a code that is hard to crack.

But even if the RTC ducks the issue, the bottom line is the same. There are now only 25 days until the time runs out; 25 days until the American people are denied access to the full measure of American justice. This is unforgivable.

What has the RTC done to stop the ticking of the clock, to toll the statute of limitations in the Madison situation? In the past, it is interesting to note, the RTC has frequently sought voluntary agreements to stop the statute of limitations from running out. What are they doing to obtain such agreements in this situation? Are they seeking tolling agreements? Would that not resolve the time crunch that the RTC faces?

Mr. President, the fact is the RTC will not give us an answer. They will not give me a straight answer. They will not give anybody in the Congress a straight answer, and they give us an ambiguous response.

The statute runs out on the 28th. But how and when do we get some clear answers about the Madison Guaranty cleanup?

As I stated yesterday, it now appears that the Banking Committee will have an opportunity to question the RTC Oversight Board directly at an upcoming hearing. If we cannot get a hearing specifically devoted to the Whitewater/Madison problem, and it appears we cannot, the RTC Oversight Board hearing will have to suffice.

I will be prepared to ask pertinent questions about Whitewater and Madison. If the RTC must be prodded and cajoled into responsiveness, I am willing to do it.

But, Mr. President, I certainly hope that this hearing is held before the statute runs out. It does not make much sense to hold a hearing after the statute runs out, and that will prevent the taxpayers from pursuing civil actions to recover money on their behalf.

After February 28, there can be no meaningful oversight on this matter. Any discussion of this matter will simply be a history lesson. Once the clock ticks down and the statute runs out, any civil wrongdoing is, for all practical purposes, history.

It seems that there are some who are bound and determined to pursue the old tactic of the four-corner stall and run out the clock.

Just 2 days ago, the committee held an FDIC confirmation hearing. I asked Andrew Hove, the Acting Chairman of the FDIC, about the FDIC's hiring of the Rose law firm. I do not know whether the RTC ever retained the Rose law firm, but if they did, I think the American people and Congress should know. And if the Rose law firm was on the job, did the RTC analyze

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any potential conflict of interest that may have existed?

Mr. President, this is not a matter of personal curiosity. The American people have a right to know. When the RTC Oversight Board appears, they will be called on to answer these and other questions. I will expect these officials to tell us when exactly the statute will run out, what action is planned to stop the ticking clock or to preserve the rights of taxpayers to obtain reimbursement from the wrongdoers, which runs well into millions of dollars.

The statute of limitations runs out on the 28th. When will the RTC level with the Congress?

In anticipation of that hearing, I will ask for a briefing from the RTC. I am writing to them requesting that they give us, the Banking Committee, a briefing. Meanwhile, time is running out for the American taxpayer.

Mr. President, some would have us look the other way, but the clock is ticking. I think we have a right to know from the RTC whether or not they are attempting to get those agreements that they regularly enter into in order to toll the statute.

If they were to give us the answer and the assurance that they are seeking to do this, it would satisfy this Senator. I would then know that this matter could be pursued as it should be. I would then have confidence and, more importantly, I believe, the American people could have confidence, in the fact that we have equal justice, equal justice for all and not justice that is applied willy-nilly, not justice that closes one eye and denies the American people an opportunity to see that things are done correctly. That is all we seek here.

Tomorrow I will return to this floor and bring forth some of the more pertinent questions that I believe we have a right to have answered.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I ask my colleague from New York to remain on the floor because I would like to respond to some of his comments.

The Senator from New York has been taking to the floor these past several days making an argument that is getting curiouser and curiouser.

The Senator from New York has been righteously proclaiming a passionate belief that the statute of limitations should be extended in order to recover taxpayer losses in the Madison Guaranty failure.

That is a terrific joke. I compliment the Senator from New York for his ability to carry it out with a straight face.

Because the Senator from New York—just 2½ months ago, voted against extending the statute of limitations on suing officers and directors of failed S&L's like Madison.

I say to the Senator from New York, where were you when I needed you?

Where have you been?

What caused this complete conversion?

I can hardly believe my ears when I hear the Senator argue for an extension of the statute of limitations.

Mr. D'AMATO. Are you asking me that question, sir?

Mr. METZENBAUM. When I get done.

Mr. D'AMATO. The Senator asked me to stay on the floor.

The PRESIDING OFFICER. The Senator from Ohio has the floor.

Mr. METZENBAUM. Mr. President, The Senator from Ohio has the floor.

Mr. D'AMATO. Mr. President, I thought, in good conscience——

Mr. METZENBAUM. I demand order in the Senate. I have the floor.

The PRESIDING OFFICER. The Senator from Ohio has the floor.

Mr. METZENBAUM. You see, Mr. President, the Senator from New York voted on this very floor to strip a retroactive extension of the statute of limitations from an RTC funding bill.

The Senator from New York voted not to go after Madison Guaranty, and hundreds of other failed thrifts.

In short, if the Senator from New York had his way, the statute of limitations on Madison would have expired 2 years ago.

I cannot for the life of me understand the Senator's logic—if the Senator had his way, the Madison case would have been dead and buried 2 years ago. You can look up the Senator's vote: March 26, 1992.

I have been fighting for the extension of the statute of limitations for a period of years. I have been looking for support, but I was not very able to get that support from the Senator from New York.

March 26, 1992, was 26 days after the statute of limitations on Madison Guaranty Savings expired, and 3 weeks after the New York Times reported the Madison Guaranty Savings story.

It is as plain as that. The Senator from New York voted to strip a retroactive extension from the bill. The Senator from New York voted to kill an extension that clearly would have covered Madison Guaranty Savings and Loan.

For 21 months, the chance to sue Madison Guaranty Savings was nil. Nada. Zero. Zip. And just a couple of months ago, the Senator from New York voted to keep it that way.

This Senator and many others have been pushing to extend the statute retroactively, not just for Madison, but for all failed thrifts—hundreds of failed thrifts that resulted in billions of dollars of losses.

But on May 13, 1993, the Senator from New York for the second time voted against extending the expired statute. I repeat, the Senator from New York, voted against extending the statute of limitations on Madison Guaranty. I ought to know, I offered the amendment.

It was an amendment to the RTC funding bill which extended the statute from 3 to 5 years. A retroactive amendment that extended expired statutes of limitations on savings and loan failures that included Madison Guaranty. And for those who might raise the question: Can you extend a statute retroactively? That issue has already been resolved in the courts. And the answer is "yes."

If not for that amendment, the Madison case would not be open today. The Senator from New York keeps talking about the clock ticking on this case. It was this Senator, however, who put that time back on the clock. It was the Senator from New York who would have allowed the time to expire 2 years ago.

My colleague from New York and I debated my amendment on the floor. We disagreed. He said he thought the RTC would sue too many people.

He said "Let us focus our Government's energies on those people who conduct the egregious cases of fraud * * *"

But now the Senator from New York claims an urgent interest in suing a failed thrift that caused less than one five-thousandths of 1 percent, of all the taxpayer losses of the S&L bailout, but shows no interest in S&L's that cost the taxpayers billions upon billions.

The Senator from New York brings a calendar to the floor, and marks off the days. But if his interest is really in protecting the U.S. taxpayer, where is his calendar counting down the expiration of United Savings Association of Texas?

United Savings of Texas failed around the same time as Madison. Madison cost the taxpayers $46 million—a not insignificant amount of money. But, United Savings of Texas cost the taxpayers $1.6 billion.

Time is running out on the United Savings case as well, and the Government is scrambling to put together a suit to recover over a half billion dollars for the taxpayers. The clock is ticking—ticktock, ticktock, ticktock, and the time is running out.

In fact, I am told that the statute of limitations expires on the United Savings case on the same day as Madison.

A half billion dollars or more is riding on the United Savings case. But the Senator from New York is not interested. He hears no clock ticking: $46 million versus $1.6 billion. Both expire the same day. That fact speaks volumes about the real issues at play here.

Let me make something clear. I want to recover money from every failed thrift that we possibly can. That includes Madison. If the Government's got a case against them, I encourage them to file it.

But I remain bewildered by the position from the Senator from New York: What has changed his views? Does he now think the RTC was too passive, rather than too aggressive? If that is his view, it is only recently revealed.

According to the BNA banking report, Senator D'AMATO criticized my amendment. I quote:

D'Amato said that it will only invite further litigation against thrift directors, many of whom are complaining that they have been unjustly pursued by the RTC lawyers. D'Amato said, "this would hold thousands of people potential hostages".

The Senator from New York has certainly traveled a long road in a short time.

The Senator from New York also knows very well that the Madison case was investigated for 3 years in the Republican controlled RTC, and no suit was filed. While I am not familiar with the particulars, I have to believe that was a conscious, deliberate decision that there was not any merit in filing a suit.

I arrive at this conclusion because I happen to know that RTC lawyers were not always shy about filing suit against powerful politicians and elected officials.

I cannot understand why, under a Republican administration, the RTC would go lightly on a thrift connected to a Democratic Governor? After all, Governors were not beyond the pale. They sued a Republican Governor during this period, the Governor of Arizona.

I also remember the Senator from New York arguing that he was uneasy about retroactivity, and concerned about its fairness. Of course, the only reason the RTC is able even to look at Madison today is because of a retroactive extension. The Senator now argues for a rifleshot retroactive extension aimed only at Madison. His concern for fairness has been eclipsed by his interest in politics.

Let us just review briefly for the record, Mr. President.

Despite the opposition of the Senator from New York, my amendment prevailed in the Senate in May 1993, affording the Government a renewed opportunity to go after directors and officers of failed thrifts like Madison and dozens more. My amendment was tough—it extended the statute of limitations in the case of fraud, gross negligence, and even simple negligence.

That bill went to conference, where the Senator from New York continued his opposition.

All that conference, he opposed the Senate's position on extending the statute. That was last November 17, a mere 2½ months ago.

What an amazing turnaround. His Buffalo Bills should be able to change course so dramatically.

Mr. President, the Senator from New York had his chance to show some leadership on this issue plenty of times in the past. He had his chance, more than once. He took a pass.

I repeat, the RTC investigated the Madison thrift during the Republican administration for 3 long years and brought no charges. Through the efforts mainly of Democrats in this body, and over the opposition of the Senator from New York, we were able to pass legislation to give them another crack at Madison and dozens of other failed institutions. Again, I repeat, if there is a case against Madison, I will be the first to applaud its filing.

But is the Senator from New York really interested in recovering taxpayer dollars from Madison, or is he preoccupied with a President who has become progressively more popular with the public, and increasing effective in promoting a domestic agenda which the Senator from New York opposes?

The American people need to understand—as the President's approval ratings climb higher, the attacks on him will sink lower.

And I say to my colleagues, it isn't gonna work. This President is fulfilling the promises he made to the American people. This President is promoting a program to help people's lives. This President is working on problems that are real, and problems that have been neglected by 12 years of veto, after veto, after veto.

And now, if the junior Senator from New York is really sincere in his desire to recover taxpayer dollars, then I am prepared to join him in his call. But not for just one institution. For every failed thrift. Let us not stop at $46 million. I will support an amendment that extends the statute of limitations for any wrongdoing at any thrift, including Madison, for 1 more year, 2 more years—you name it. Whatever you want, I am willing to extend the statute of limitations across the board.

If that is the Senator's position, then we can do business. If the Senator cannot accept that offer, then one is apt to conclude that his speeches are about rhetoric rather than results, about politics rather than public policy.

I yield the floor.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER (Mr. LIEBERMAN). The Senator from New York is recognized.

Mr. D'AMATO. Mr. President, let us get the record clear. The Senator has not come and asked that there be a special extension of law as relates to Whitewater/Madison. This Senator has not come down to the floor and said that we should extend it retroactively or in the future for Whitewater/Madison.

I have not changed my position. I did not come down here and say, "Oh, no; let's apply one standard of law for Whitewater/Madison." That is what the argument of the Senator from Ohio implies. I said let us see that the present law is enforced. Why can we not be told when the statute of limitations ends? Why does it take us 3 weeks to get an answer from the RTC? Why the stalling? Why the delays? What actions have they taken? We do not have a right to know? Are they considering obtaining that which they have done in thousands of cases—an extension, a voluntary extension of the statute?

Generally, let me tell you, if that does not occur, what the RTC often does is to file a broad-based lawsuit and complaint, and amendment later. I am not suggesting that they file that suit, or that they sue everybody who has been a part or parcel to Whitewater and/or to Madison. What I am suggesting is that we have a right to know what they intend to do and what they are doing.

We do not even have a Director of the RTC. Mysteriously, the President's nominee was pulled. Was he pulled because maybe he was looking into some of the files? Where are those files? And I am not talking about criminal files now, I am talking about civil proceedings.

Do not try to conclude and say to the Senator that I want another standard of law applied. I do not. I do not come here and ask to make Madison a special case. I say we should have equal treatment under the law. I say we have a right to know whether or not they are going to seek that voluntary agreement, an agreement that they seek in hundreds and hundreds of cases every single year.

And, by the way, if there is a bank in Texas that has a liability and costs the American taxpayers $1.5 billion and there may be $500 million in claims, let the RTC file that lawsuit too. If they want to get a voluntary extension, let them do that. Let them do what is appropriate.

But I have to tell you, to come and say to me, "Oh, Senator, you want a special application of the law here and not in any other case," is just not the case. I want the same application of the same law in this case as there would be in any other. It seems to me that we have a right to ask the RTC what they are doing; what they know and what they do not know.

I have been accused of trying to question or somehow impugn the integrity of the special counsel, Mr. Fiske. In no way do I intend to do that. His investigation has nothing to do with the civil aspects. In no way are we attempting to call witnesses that would somehow prejudice the prosecution of the criminal case. So do not let that be said.

By God, we have a right to know, are they reaching out to get the statute extended, and if they are not, why not? What conclusions have they come to?

The clock is ticking. It is 25 days to go. Some would like this matter to slip

by. On the subject of various votes on the statute of limitation, I make no apologies for saying that I do not encourage litigation as a general practice or rule where it is not merited. But I simply say, let us do in the Madison situation what has been done in other cases and give us the facts. We have a right to the facts. If those who want to obfuscate it by attacking my previous votes as it relates to whether or not you can extend the statute of limitations, that is only mere obfuscation. It does not go to the merits of what I have asked the RTC for.

I have to tell you, I am concerned that the Senator is attempting to imply that. I have not asked for another standard. I have asked for the same standard, not a different standard. If I were to seek out an extension for Whitewater alone, my colleague would be absolutely right in saying "How can you apply the law in this manner; how would you make fish of one and fowl of another?"

I have not done that. I said, "Give us the facts. Tell us when precisely the statute runs out. Tell us what actions you contemplate taking. What are you doing? Where is your investigation as it relates to this civil matter? Are you attempting to get a tolling of the statute?"

You can attack me all you want. If you think you are going to keep me quiet on this, you are wrong.

I yield the floor.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I certainly would never attempt to keep my friend from New York quiet. I want to point out to him, and I want to make it clear, that when I tried to extend the statute of limitations in the past, one of the leaders in that opposition was the Senator from New York.

If he had cooperated at that time, we would not have this problem before us today. The only reason we can go for another 3 weeks, approximately, is because I was successful in getting an amendment through over the opposition of the Senator from New York. And the Senator from New York at that time was worried about who was going to be sued and whether it was fair. This Senator said you have ripped off the American people. If you have, you ought to pay the money back. You ought to pay it back promptly. And the Government should not have to sue you, but if they do, they should not be precluded from doing so by reason of a statute of limitations.

That is the position I have taken here day in and day out when this issue has been before us. This is about the third or fourth or fifth time we have debated it in the Senate, and I regret to admit that each time the distinguished Senator from New York, who is the ranking member of the Banking Committee, was not with me. I think once he voted with me just before his election. But other times he has not been with me. He has opposed me. He has fought it. Now he comes here, and I say with unclean hands, to say that there is something special about this particular case and we ought to be extending the statute. I am saying extend the statute as long as you want. I will extend it for 2 years or 5 years or permanent, across the board, for all savings and loans. But do not try to make political hay out of this one company where the loss is something like $46 million as compared to just one I mentioned, the one in Texas of $1.6 billion and the statute may very well expire about the same time on that one.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, let me again say that my colleague from Ohio and, indeed, the wisdom of the Senate in the past was to provide an extension for 2 years to cover this and other cases as well. His views carried. That happens. There are those cases where reasonable people can and do disagree. I did not carry on because he was successful in moving to that point. I do not seek an extension of the statute of limitations as it relates to Whitewater. I have never suggested that. Never. What I have said is two things. Number one, tell us precisely when the statute of limitations expires. And to this date we have been led to believe that it may expire on February 28. We have been led to believe—this is the date if you read the letters that have come to us—and it took 3 weeks, 3 weeks to get any response. Is there any wonder why we are concerned? When eight Senators signed a letter, eight Members of the Congress, requesting basic information and it took 3 weeks. And we got an answer only after the Chairman of the Banking Committee interceded with a call to say, "My Gosh, why don't you answer?" Only then do we get a perfunctory answer that really does not answer the questions.

And then as to a tolling agreement, which is something that is entered into regularly, we want to know what, if anything, they are doing to pursue that. If you read the letter that came—and I do not intend to read it again into the RECORD—from the Deputy Secretary, Mr. Altman, who is nominally in charge, or was in charge in the absence of there being a head of the RTC, he says tolling agreements are regularly entered into. He does not tell us whether or not they are going to pursue it in this instance, whether or not there is any reason, whether or not they have discontinued. The letter avoids answers to any of those questions. We have a right to have those questions answered because this is a sensitive matter.

As it relates to any other institution, be assured that I certainly would not oppose a tolling agreement, and in lieu of that the kind of litigation that would ensue if, for example, the bank in Texas refused to enter into that tolling agreement, because I am sure that is what the RTC would do. But I think we have a right to be briefed and to be told what course of conduct is being taken because, to be quite candid with you, I do not think that the RTC has been acting with us in a good faith. They have had a four-corner stall, and I say look at the record and that is what you see.

So I am not asking for an extension of the statute. I do not apologize for my previous positions in saying in some cases what we have had is the RTC going after just deep pockets regardless of whether or not a board member or director had served well and caused no harm to the institution. I do not say that there is anybody who has committed any misdeeds in this case. I just want the facts before the statute runs out and before we get, "I'm sorry, it's too late. We can't, we didn't know,". That is all we want. We want the facts.

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arkansas.

Mr. PRYOR. Mr. President, I wonder if my friend from New York would yield for a question.

The PRESIDING OFFICER. The Chair was under the impression the Senator had yielded.

Mr. D'AMATO. I have yielded, but I would try to answer.

The PRESIDING OFFICER. The Senator from Arkansas has the floor.

Mr. PRYOR. First, the Senator from Arkansas would like to pose a question through the Chair as to the approximate length of time the distinguished Senator from New York has served on the Senate Banking Committee?

Mr. D'AMATO. I am entering my third term. I have been on the committee since then.

Mr. PRYOR. So over a decade. The Senator from New York has watched, as all of us have watched, the savings and loan debacle—hundreds of S&L's and banks going by the wayside with taxpayers of America losing billions and billions of dollars. And here we come to an S&L in the State of Arkansas that perhaps lost some $46 million. The question I pose to the Senator from New York, how many other times has the Senator from New York requested the RTC to give a full-fledged briefing on a single particular savings and loan?

Mr. D'AMATO. I would answer my colleague's question with another question. How many times have we had a sitting Governor of a State who is alleged to have borrowed $1 million and not paid back those moneys to that

savings and loan? How many times have we had the No. 3 person, Mr. Hubbell—let me answer—the No. 3 person in the Justice Department, whose father-in-law is alleged to have borrowed hundreds and hundreds of thousands of dollars from that savings and loan, not to mention others in the White House who were tied directly or indirectly to Madison Savings & Loan and to Whitewater? So I would say to you if we are going to have a conspiracy of silence, that is fine. My colleagues can go ahead and do that. But I am not about to do that. I am going to ask the questions because they should be asked. I want the facts.

Mr. PRYOR. Mr. President, if I might respond, I believe the Senator from New York now might be misstating the facts, a misstatement that the then Governor of the State of Arkansas, now the President of the United States, borrowed $1 million.

Mr. D'AMATO. I did not say the "then" Governor. I said the Governor from Arkansas. I believe that is one of the things that has been raised, that the present Governor may have borrowed $1 million. I do not know whether that is true or not. I would like to get the facts.

Now, let us understand it. Is it true or is it not true that Mr. Hubbell, who has recused himself since his father-in-law borrowed $500,000 or $600,000 from the institution and did not pay it back? I do not know. If you ask why I am interested, that is why. It is rather unique.

Mr. PRYOR. My question is simple. I am asking why such a sudden interest after 12 years as a member of the Banking Committee, why is this the first time the Senator from New York has raised a question about a particular savings and loan on the floor of the Senate?

Mr. D'AMATO. Because this is the first time that we have ever had a situation where we have had so many people in prominent places, in positions where it has been alleged that there may have been improper use of the resources of Madison through Whitewater and improper use, or at least failure to collect moneys from a savings and loan. People who are in high office and/or whose relatives are in very high office. That is why. I do not think my interest is unusual. I do not think it is unreasonable. But there has not been brought to my knowledge or to my attention any similar situation. That is why.

Mr. METZENBAUM addressed the Chair.

Mr. D'AMATO. If that is a mystery, then I plead guilty. It should be a mystery to most Americans.

The PRESIDING OFFICER. The Senator from Arkansas has the floor.

Mr. PRYOR. Mr. President, my point is pretty simple, I think. I am going to sit down because I am going to not continue to come over and answer, or attempt to set the record straight each day the Senator from New York comes to the floor.

He has already taken about 9 pages of the Senate's RECORD earlier this week, Mr. President, on just Whitewater. He spoke for 6 pages worth of CONGRESSIONAL RECORD back on May 13 trying to make certain, as the Senator from Ohio has pointed out, that we did not extend the statute of limitations from 3 to 5 years. And in fact he made such an impassioned speech on May 13, 1992, he convinced me that he was right. He was very persuasive. I voted with him. I was one of 6 or 7 Democrats who joined my colleague from New York on that side of the aisle. He gave a very, very persuasive talk that day.

But, Mr. President, let me just say that the Senator from New York is using the floor of the Senate to smear the reputations of some good people. The Attorney General of the United States has appointed an independent counsel, an independent counsel who is at this moment forming a staff, at this moment moving into offices, at this moment beginning this investigation.

If the Senator from New York wants the facts, why does he not wait on his friend who is in fact the special prosecutor to present the facts to the Congress? And then at that time the Congress will make a determination as to whether to proceed further into the Whitewater matter.

He is smearing good names on the floor of the U.S. Senate, and this Senate was not created for that purpose. We should allow the prosecutor, the special counsel, to go forward with this investigation.

Mr. BUMPERS. Mr. President, I want to honor the request of the Senator from Massachusetts about not unduly delaying the proceedings here, but I cannot resist as a Senator from Arkansas making a couple of what I believe are propitious comments about what has just transpired on the floor of the Senate.

First of all, I had never heard of Whitewater until the summer of 1992 when it surfaced in the campaign. I do not recall ever having heard of Madison Guaranty until the former President of that company was indicted, tried and in approximately 20 minutes acquitted.

So, all I know about these matters is what I have read in the newspapers. One thing I do know is that I have hardly read one new single revelation in the past 3 months, and I have read most of the things that appeared at least in the local press which is generally a rehash of what I read 3 months ago just different paragraphs and different people saying it.

I know a lot of the people involved in both of those matters, some not so well, and some very well. I can tell you that Bill and Hillary Clinton have been very dear friends of mine and Senator PRYOR's for many, many years for all the obvious reasons: First, we like them; second, we belong to the same political party; and third, we have attended every frog gigging and chitlin fry in Arkansas together for the past 20 years. But we like them, and we trust them

Vince Foster was one of the finest men I ever knew. I saw a little chart from the Republican Policy Committee the other day, and it beat anything I have ever seen. If I had not been a trial lawyer for 18 years before I got into this business, maybe I would not have been so offended. It pointed out that Shella Anthony, who works at the Justice Department, is a sister of Vince Foster. It pointed out that she is the wife of a former Congressman, Beryl Anthony. Now, what conclusion are we supposed to draw from that? What does that mean? They listed some people who had hardly ever shaken hands with Bill Clinton.

The first thing I learned in law school and the principle that made an indelible impression on me is the presumption of innocence. Every commentator in the country, every time they cite maybe some alleged ethical misstep, possible criminal misstep in this matter, they are quick to say "but there is no evidence that the President and first lady knew anything about this at the time."

My friend from New York, and he is my friend, has been on this floor now 3 days in a row with his little calendar and saying he is coming back every day until someone answers his questions about the statute of limitations.

Certainly, I cannot think of a more appropriate response to that than the one the Senator from Ohio gave this afternoon, and that is to remind this body that the most steadfast opponent of extending the statute of limitation on civil wrongdoing in these RTC cases has been the Senator from New York. What we have here is a death bed conversion. It is hardly even a thinly veiled effort to keep this Whitewater thing as hot as possible.

I can tell you something else that is not so thinly veiled either, and that is that we have a young dynamic, intelligent, tenacious, determined President who has promised the American people a new way of doing things, a new agenda, and whose approval rating, despite an absolutely unending plethora of adverse stories about Whitewater, continues to climb, and is now at 60 percent, which is higher than Ronald Reagan was at the same point in his presidency. He is formidable indeed.

We have the lowest inflation rate, the lowest interest rate, the highest growth rate, the biggest deficit reduction, all because the President has had the determination to say to the American people there are only two ways to deal with the deficit and they are both very unpopular, two ways: Raise taxes

and cut spending. And you have big powerful forces opposed to each of those things.

And he won his deficit reduction package by one vote in the Senate and one vote in the House, and as a result you heard his State of the Union address saying that for the first time since Harry Truman the deficit will be headed south for 3 consecutive years. It is an incredible thing. As a matter of fact, his first year in office was incredible. It got off to a rocky start. But he is a quick study. I have watched him pick up on things quickly all of my life. He is one of the brightest men I ever knew.

He is having fabulous success, and the people of America, even when they do not agree with him, approve of his determination and his tenacity, and I have noticed as his popularity continues to climb there are those who try to accelerate the public discussion of Whitewater

Is there any doubt in anybody's mind about what that is all about? Of course, there is not. Is there any doubt in anybody's mind that there are people even in the United States Senate who will try to keep that thing on the front burner until 1996? None.

Mr. President, this is the first word I have said on this. I am not privy to any of the details other than what I have read in the paper, but I can tell you there are those who relish it for political reasons.

I did not hear anybody come to the floor with a calendar when George Bush's son was accused of improprieties in an S&L out in Denver. I had the utmost empathy for that young man's mother and father, the President and First Lady. I do not care who they are. If it is your child it puts an entirely different slant on it. If you want to get my attention, just bring up one of my 3 children. I am personally pleased it all turned out the way it did for Neil Bush.

I just cringe when I think of the agony some parents go through because of the plight of a child and especially when that child is the son of the President.

But nobody came to the floor with a calendar then. So we all know what is going on. Maybe we ought to just let it go. I think the American people know what is going on.

GOALS 2000: EDUCATE AMERICA ACT

The Senate resumed consideration of the bill.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts [Mr. KENNEDY], the manager of the bill.

Mr. KENNEDY. Mr. President, we have been, over the period of these days, trying to give focus and attention to the issue of the Goals 2000. We went through statements relevant to this subject matter yesterday for some period of time. We were involved in an extremely important debate and discussion of great significance and importance.

Obviously, under the rules of the Senate, people can get up and make statements and speeches. We have tried on a very important matter to cooperate both with the majority leader and the minority leader to recognize that there are some matters of importance that are taking place that are going to involve Senators this evening and are important deliberations.

We were around for a great deal of time during the course of the morning looking for amendments, and would have been glad to have statements and speeches. We are now in the 3:30 period. Obviously, Senators under these rules can get up and talk, and we have tried.

I see my friend and colleague from Indiana. We had hoped to be able to consider his amendment. Now the Presiding Officer, Senator LIEBERMAN, has been over here now for more than 2 hours, 2½ hours. The Senator from New Hampshire has another amendment and has been here 2½ hours.

We would like to request, to the extent that we can, the cooperation of the membership so that we might be able to move forward. I have been here for some time. So I understand that Members have views and positions, and certainly they are entitled to make those representations. But I would ask on behalf of the committees that we be able to go back and focus on the unfinished business of the Senate, which is the extremely important education bill.

We made that request yesterday. We are making it again today. I would certainly hope that we could get back to the considerations of the legislation. We are at a very important period of time in the course of this debate. We are trying to accommodate other Members.

But when we find that these matters come up in midafternoon when we have had time to consider them in the morning, then we think that the young people in this country are entitled to some action too.

So I would certainly hope that all sides on this now would at least give us the opportunity to see what further progress we can make. I know the Senator from Missouri is prepared to offer an amendment and to speak briefly. Then we are prepared to move ahead to permit the Senate to vote on two very important matters.

So I would urge the cooperation of our colleagues and friends so that we can get about the business of education policy here in the Senate.

Mr. DANFORTH. Mr. President, will the Senator yield?

Mr. KENNEDY. I would be glad to yield.

Mr. DANFORTH. Mr. President, my understanding of the parliamentary situation is that under the agreement, Senator HELMS has an amendment pending. It is not subject to amendment. Therefore, the Senate will vote on that. Then after that, the Senate will then vote on an alternative that would be offered by Senator KENNEDY.

Mr. KENNEDY. The basic agreement is that the Senator from North Carolina submitted his amendment. It is not subject to perfection or alteration. We had indicated in the consent agreement that he would be able to make the presentation, which he has. I imagine if he wants to come back, make additional comments, there is no time limitation. But at some time—we did not say at what time—another amendment will be introduced by Senator JEFFORDS or the Senator from Missouri and we will have a discussion. At the termination of the discussion, there will be two back-to-back rollcall votes; the first vote will be on the amendment of the Senator from North Carolina, and the second will be on the amendment of the Senator from Missouri.

That is, I believe, the current situation. I think that would be the way that we would proceed.

So after the time that the Senator would introduce an amendment, make what comment, then we would move forward to two votes.

The PRESIDING OFFICER. The Senator from Massachusetts has correctly stated the parliamentary situation as the Chair understands it.

Mr. DANFORTH. Mr. President, I may inquire about the parliamentary situation? Is it now in order to send the alternative amendment to the desk?

The PRESIDING OFFICER. The Senator is correct. It is now in order.

Mr. DANFORTH. All right.

AMENDMENT NO. 1383

Mr. DANFORTH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Missouri [Mr. DANFORTH], for himself and Mrs. KASSEBAUM, proposes an amendment numbered 1383.

The amendment follows:

At an appropriate place, insert the following:

It is the sense of the Senate that local educational agencies should encourage a brief period of daily silence for students for the purpose of contemplating their aspirations; for considering what they hope and plan to accomplish that day; for considering how their own actions of that day will effect themselves and others around them, including their schoolmates, friends and families; for drawing strength from whatever personal, moral or religious beliefs or positive values they hold; and for such other introspection and reflection as will help them develop and prepare them for achieving the goals of this bill.

Mr. DANFORTH. Mr. President, let me just briefly tell the Senate the difference between the two amendments that we will be able to select between.

The amendment that has been offered by the Senator from North Carolina would be a Federal mandate to the State and local governments relating to prayer in school. It would say that local governments and local school boards must permit voluntary prayer in school or else they lose Federal money.

This amendment by contrast is not a mandate. It is a statement of position by Members of the Senate, a sense-of-the-Senate amendment. But it does not mandate how local school districts must act. It does not offer money or withhold the money depending on what is done by a local school district. It allows local school districts to make their own decisions about whether in that school district voluntary prayer should be allowed or not.

It also allows flexibility for those school districts to tailor whatever they are doing according to what the law is. Furthermore, it does not fall into the trap of the Helms amendment which is the trap that is in the very last sentence of the Helms amendment which says, in effect, that local school districts cannot have any control over the form of prayer in their schools which would mean presumably that any student could arise from his seat any time of day and do anything that he or she wanted to do in the name of prayer, out loud, in a belligerent way, whatever.

This is, therefore, much less directive. It is not directive. It is simply a statement of position by the Senate. What is the statement of position? The statement of position is that it is a good thing to have a brief period of silence. We do not direct the school boards do it. We simply advise that in our opinion it is an appropriate thing to do to have a period when students can reflect on their religion. They can reflect on their value system. They can reflect on how they want to be good citizens of that school or what they want to accomplish during that day in school.

So it is not an effort to try to impose from Washington through the granting or withholding of funds what should be done by the local school board. Therein is the difference.

The PRESIDING OFFICER. The Senator from Arkansas [Mr. BUMPERS] is recognized.

Mr. BUMPERS. Mr. President, on the amendment of the Senator from North Carolina, you will recall in the 1980's we debated a constitutional amendment presented to this body by President Reagan, a constitutional amendment dealing with voluntary prayer in school.

There was just one thing that was fatally flawed about that amendment. It did not provide for voluntary prayer. It provided for mandatory prayer to be written by whoever happened to control the school board of any particular school. And to the eternal credit of the U.S. Senate it was soundly defeated.

Some of us who feel strongly about the religious Judeo-Christian principles of this Nation went to work and crafted a bill called freedom of access. The freedom of access bill, which was essentially the product of Senator HATFIELD, I believe, and a few others, who had voted against the constitutional amendment. Hearings were held on it. The Senate passed it, and you know something? The constitutionality of it was challenged, and the U.S. Supreme Court in a hearing, the only hearing I ever attended in the Supreme Court—I went over to hear that case argued—and the Supreme Court said it was constitutional. The law says that any school district which allows nonacademic programs or functions in their facilities may not deprive any individual or group of the right to theological discussions, prayer, whatever they want to do of a religious nature as long as it is not teacher led or preacher led, and conducted during nonacademic hours.

The Supreme Court says, "That's just fine." And it is fine. If you are going to let the Young Communist League meet in the local school cafeteria, you certainly are not going to deprive a group of young children who consider themselves affiliated with some religion or another the right to meet, pray, discuss, whatever.

Today as a result of the constitutionality of that bill being upheld, there are thousands—thousands—of prayer groups all over America using school facilities.

Mr. President, the Founding Fathers knew exactly what they were doing when they crafted our Constitution. They knew there was always going to be somebody coming down the pike that wanted to make you dance to their tune; march to their drummer. But why would we want to mandate a loss of money to a school district without a definition of what is voluntary and what is not. We already have voluntary prayer in school—legal, authorized by the U.S. Congress and upheld by the Supreme Court.

Why do we want to threaten people when anybody in any school who is denied that right under the Freedom of Access law has a cause of action in the Federal courts? And they ought to use it. We have had one action in Arkansas in the last 2 years.

What the Helms amendment does, of course, is hold a great big club over the head of every school administrator of the United States, every school district in the United States, with a threat of losing all of their money if somebody alleges that they want to voluntarily pray, and have been prevented from doing so.

One of the reasons that amendment in 1980 was so soundly defeated is because the people of America were scared to death of who was going to get control of the local school board, and not just whether it would be Jewish, Muslim, or Christian, but also whether it would be Baptists, Methodists, Presbyterians, or Catholics. Whoever got control of the school board would have some say about the content of the prayer.

I can tell you, even my fundamentalist friends do not like that. They want prayer in school, but they cringe to think that somebody with whom they might have a serious religious disagreement would be composing the prayers down at the schoolhouse simply because they got control of the school board.

Mr. President, since I came to the Senate, I guess I have voted on prayer in school at least 40 times. Everybody knows what these amendments are about. They are designed for political embarrassment to everybody who votes no, so the next time their opponents can say, he voted against voluntary prayer in school.

I do not mean this to be self-serving, but I was the only Southerner who voted against that constitutional amendment. And when I ran the next time, sure enough, that is all my opponent wanted to talk about. That is all his campaign ads were about.

I waited one night until there were about 1,000 people in the crowd in a pretty good Bible Belt community in my State, and I explained my vote. And I am telling you, I had fundamentalists and everyone stomping and cheering because the American people know the truth when they hear it.

Harry Truman said, the only time this country ever gets in trouble is when there is some liar sitting in the Oval Office.

Tell them the truth about what that amendment did and once we did that, they did not want it.

So, Mr. President, I am going to vote against the Helms amendment as presently written. I certainly will support the amendment of the Senator from Missouri, and I applaud his efforts.

I thank God Almighty for those brave souls who have not jumped under their desks every time this issue came up in the U.S. Senate. Thank God Almighty for those brave souls who so far have prevented those who would destroy religious freedom from doing so under the guise of the false flag of providing religious freedom, of mandating prayers—their prayers—under the false and deceptive flag of voluntariness.

I yield the floor.

Mr. JEFFORDS addressed Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Vermont.

Mr. JEFFORDS. Mr. President, I will be brief. I know that the Senator from

North Carolina deserves and will have, I hope, an opportunity to close debate, or hope to close debate.

I would like to follow up to some degree the comments of the Senator from Arkansas on what the status of the law is and also raise the awareness of my colleagues as to what could be the disaster of this amendment to a local school district, because I think it is incredibly important that we understand exactly what this amendment could do.

First of all, I point out the wording of the Helms amendment—and I will be supporting the Danforth amendment—"No funds made available through the Department of Education under this act, or any other act, shall be available to any State or local educational agency which," and it goes on.

I want to make sure you understand what is at risk here. It is not the funds under this act, which are rather small. It is not the funds of the acts of those things that go through the Department of Education, but it is all Federal funds that go to a local educational agency.

What are those? Well, you have, in addition to what we are dealing with today, all the educational acts, like the Elementary and Secondary Education Act, all those connected with that and anything else in the Department of Education; but also grants from NASA, grants from the National Science Foundation, of which there are many in these areas; agriculture; the school lunch program; the school breakfast program; all moneys that flow through HHS; Medicaid funds; funds of that nature which get involved in schools.

So if you run afoul of this amendment, all those funds—and you ought to remember the wording that they shall not be available—shall not be available—thus meaning, they are at risk, thus meaning if you violate it and you are found in violation, you do not get any of these funds. So this is an incredibly difficult amendment to understand.

Now here we can vote for these amendments and pray that somehow, somewhere, some way along the way they will not get into law. But we ought to be aware of what will happen if they do get into the law. And that is what will happen.

Second, I think we have to wonder about what the intent of the amendment really is. We have spent hours and hours arguing against amendments that would try to prevent mandates and the Federal involvement in the law in education, all those things.

I do not disagree with that. I do not think we should allow the Federal Government to have any way to dictate to the local educational institutions what their programs and the standards, et cetera, ought to be.

But I cannot help but wonder whether this amendment is an attempt to really get all Federal funds out of the schools or is just involved with voluntary prayer?

Well, I would like to restate, which I think has already been brought to your attention, what the law is now with respect to funds and voluntary prayer. The law for years and years in appropriations bills has stated this:

> No funds appropriated under this act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

Very clear. That is existing law.

So what is the problem? I do not know. But if you read the bill, it sounds good until you get to the "or" clauses.

Let me give you the best example, and the Senator from Missouri pointed that out very clearly. It sounds very good.

> Neither the United States nor any state nor any local education agency shall require any person to participate in prayer or influence the form or content of any prayer in such public schools.

Well, you think, it is the last clause. You think it reads pretty well: "* * * or influence the form or content of any prayer in such public schools."

Now, you have the Constitution out there which has very strict provisions which allow or do not allow activities with respect to prayer in the schools. But as the Senator from Missouri pointed out, suppose somebody in the middle of school desires to get up and loudly proclaim a prayer? Well, it is perfectly allowable under the Constitution to control your classroom and to say there is an appropriate time for those activities, but you cannot do it to disturb the classroom. This would place you in violation of the Constitution and in violation of this amendment.

So the school agency is put in the dilemma of having the threat of losing all of its Federal funds on the one hand, or perhaps getting a lawsuit on the other hand to go to the U.S. Supreme Court on the issue of whether or not a person can get up and disrupt a classroom with a prayer.

Obviously, the easiest way to go would be, you would think: Well, do not worry about the Education Department; except you lose all your funds. So then you are forced into violating the Constitution. And then you are forced into going to the Supreme Court to solve the problems.

I hope we understand that the law right now is pretty clear what can be done. This amendment would throw everything into chaos, give the Department of Education a nightmare as to how to separate and delineate what cannot be done, what can be done, what is within this amendment and the Constitution, and what is without.

So I hope my colleagues will vote for what I think is a very sensible substitute by the Senator from Missouri, a man for whom I have immense respect. I have worked with him on civil rights laws. He and I were attorneys general together back in the late 1960's and 1970's. I just know also, as a minister, he is very, very much concerned about the ability of our young people to be able to participate in religious services and prayers. I just want to make sure my colleagues understand what could happen if this amendment passed.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. PACKWOOD. Mr. President, I have not decided how I am going to vote on the amendments of the Senator from North Carolina or the Senator from Missouri or the Senator from Massachusetts. But I want to get something clear in my mind before proceeding. I have opposed constitutional amendments which would have allowed school boards to write prayers or teachers to direct prayers. If you ever want to stop a Rotary audience, when somebody asks you about school prayers, just ask them who should write it.

"The school board?"

"Well, no; don't trust the school board."

"The principal?"

"It depends whether he's Christian."

You say, "Well, what if he is not? Does the principal get to write it?"

"Well, no."

"The teacher? Have a different prayer in each room, depending on the teacher, and each day you get up and the teacher recites the prayer?"

No, they do not mean that either. Not even if you say Sally and Jimmy, if they do not like it, can go off in the cloakroom. But this is what I want to ask the Senator from North Carolina. If I read the intent of his amendment, it is to prohibit the distribution of funds to these school districts if they prohibit constitutionally permitted prayer?

Mr. HELMS. The Senator is exactly right. And that is all it does.

Mr. PACKWOOD. It is not trying to extend the Constitution?

Mr. HELMS. No, sir.

Mr. PACKWOOD. And those two words, if added, "constitutionally permitted," would mean if a school district does not allow a student to stand up and do silent prayer or stand up and do a modest oral prayer that does not disrupt the class, whatever the Court allows, the Senator from North Carolina would allow, and say the school district must allow.

Do I have it correct?

Mr. HELMS. You do, absolutely.

Mr. PACKWOOD. I want to go to this issue. I want to understand what the Senator is aiming at. Maybe the words "constitutionally permitted" should be added.

But it is this issue of the mandates that I find intriguing because we really are an Alice-in-Wonderland place. It is interesting to see the flip of liberal and conservative positions from time to

time. We do not shrink at all from mandates to local school districts. We load them up one after another. We did it with title IX in the old Grove City case, where the Supreme Court made a decision this was discrimination against women and girls, and we said we were going to withhold money. We had to finally change it statutorily because the Court's decision was a statutory, not constitutional, decision. I supported that. I supported withholding the funds if they were going to discriminate against women and girls. We had a 4-year battle. We could not break a filibuster the first time, trying to reverse Grove City. But it was a mandate.

We do it under title VI of the Civil Rights Act. We withhold funds for failure to enforce racial discrimination laws; if education districts will not enforce them, we will withhold funds. We do it under section 504 of the Rehabilitation Act of 1973 for discrimination against the disabled. And we do it under title III of the Age Discrimination Act, if there is discrimination on the basis of age.

Interestingly, those are all statutory. They do not rise to the dignity of a constitutional prohibition. They are all statutory and we all mandate the districts must pay attention to them. If they do not, they lose their money. In a couple of cases, they do not lose it all, but they lose part of their money.

So I fail to follow the logic of saying that if we are going to prohibit a school district from getting all or some of its money if it violates statutory prohibitions on age discrimination or racial discrimination or disabilities discrimination, that it is illogical to say we will withhold their funds if they violate the Constitution, which has a higher dignity than statutes that we may pass in the Congress.

So I find two issues. But I think the one can be separated. I do not find the mandate issue a particularly consistent argument with everything we have done. And usually in the past—and I have been on the liberal side of these—it is the liberals who pass these laws on age discrimination or racial discrimination and demand the mandates. It is usually the conservatives who are opposed. There is a mix, but that is a rough generalization.

Now, when we come to a mandate to enforce a constitutional right, I sense there is going to be a flip of positions. I find that interesting.

But if the amendment of the Senator from North Carolina is nothing more than a mandate with the threat of losing funds to the school districts, that they must follow the Constitution or they would lose their funds, I think most people will support that. My hunch is if this said they must follow the first amendment on free speech, it would have overwhelming support.

But, in any event, while I have not decided how I am going to vote, I would prefer a lot more to have the words in there: "constitutionally permitted." I do not think you can use the argument that this is a mandate to defeat this when we do not hesitate, on bill after bill after bill in education, let alone everything else, to mandate local governments and local education districts to do things that we think they ought to be doing, whether or not they do them.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER (Mr. WELLSTONE). The Senator from Missouri.

Mr. DANFORTH. Mr. President, I am not sure I understand the point that has been made by the Senator from Oregon with respect to this mandating that school districts enforce the Constitution. Because there is nothing in this that mandates they enforce the Constitution.

What this does is to mandate the school districts to allow voluntary prayer.

Mr. PACKWOOD. As I understand——

Mr. DANFORTH. But there is no constitutional right, as I understand it right now, in schools, that a period of prayer be set aside, or that prayer be allowed even if it is voluntary prayer.

Certain types of voluntary prayer are not permitted under the Constitution. Certain types are permitted in the Constitution. But none is required by the Constitution.

Mr. PACKWOOD. Correct.

Mr. DANFORTH. What this does is to say that, henceforth, the school district's receipt of Federal funds will be determined by whether or not the school district will adopt a policy of allowing voluntary prayer?

Mr. PACKWOOD. No, that is not the way I read it. And I do not think that is absolutely what the Senator from North Carolina said.

Mr. HELMS. Absolutely not. The Senator is wrong.

Mr. PACKWOOD. The words "constitutionally permitted" are not in this amendment. What the Senator is saying is that school districts must allow prayer that is constitutional.

Mr. HELMS. Right on.

Mr. DANFORTH. All right. If he is saying that, then that does solve part of the problem. He does not say that, but if he were to say that, that would solve the odd situation in the amendment, as it now stands, which says that even an unconstitutional voluntary prayer, such as one that is led by the teacher, even though it is allegedly voluntary, would be mandated.

However, that is not the only problem with this legislation. The problem with this legislation is that it says to the school district, you can no longer be neutral. It says to the school district that you can no longer have a situation in your school district where prayer will not take place in your schools. It says that if it is voluntary prayer, you must allow that voluntary prayer or you will lose your money. So it mandates a change in policy in those schools.

Mr. PACKWOOD. It does not mandate—forget this amendment. I am not sure today if you are constitutionally permitted as a child to say a prayer that the school district can pass an ordinance or stop you from doing it. That is why I asked about the words "constitutionally permitted." I do not think we are compelling the school district to do anything. I think we are saying you must follow the existing constitutional law.

Mr. DANFORTH. Then the argument, as I understand it, is therefore the amendment does nothing.

Mr. PACKWOOD. Except it withholds funds. That is rather significant to a local school district. At the moment, I suppose we can pass a sense-of-the-Senate resolution that says to the local school district, "Do not violate the Constitution. If the Constitution allows certain types of prayer, you must allow it, period." That would be oratory language.

Mr. DANFORTH. Does the Senator believe that the Constitution now says that school districts must allow voluntary prayer in their school?

Mr. PACKWOOD. I am not sure exactly what the Court has said. I believe it has said that a child can have a moment of silent prayer. I am not sure what it has said about a minute of oral prayer, a child doing it himself, so long as it does not disrupt the class, or if somebody says grace before meals.

Mr. DANFORTH. I will point out this amendment, as the amendment is written, will clearly permit a child to disrupt a class. The Helms amendment says specifically that the school board cannot, and I quote "influence the form or content of any prayer in public schools." So that the form that the prayer takes, namely out loud, namely going on for a prolonged period of time, namely conducted in a disruptive fashion cannot, under this amendment, be influenced by the school board.

Mr. PACKWOOD. But if you were to add the words "constitutionally permitted" and the Court has said it is fine to have a moment of private, personal prayer or oral prayer but you cannot set yourself afire or you cannot roll about the aisles and disturb the other children, and the Court says that goes beyond freedom of religion, there is nothing here that compels the school district to allow that kind of prayer.

Mr. DANFORTH. But if the Senator will yield, a prayer that is out loud is not constitutionally prohibited. A prayer that is out loud is clearly permitted under the Constitution, but that does not mean that any schoolchild at any time of day during the middle of class or during the middle of an exam has an unlimited power today——

Mr. PACKWOOD. Correct.

Mr. DANFORTH. To stand up and begin uttering a prayer.

Mr. PACKWOOD. And the Court can put certain limitations on the disturbance of the school——

Mr. DANFORTH. This says that the school district cannot put those limitations on, and if it tries to, it will lose its money.

Mr. PACKWOOD. No, if you were to add the words "constitutionally permitted," the school district can put limitations on unconstitutional prayer. They can say you cannot——

Mr. DANFORTH. The school district clearly can put limits on unconstitutional prayer, but prayer is not unconstitutional. There is no such thing as an unconstitutional prayer, that I know. The question is, are there reasonable limits to prayer that could be imposed by a school district? And my answer to that is clearly there have to be or else you would have utter chaos in the schools.

Mr. PACKWOOD. Let me ask my good friend from Missouri a question then because this amendment really falls, in my mind, into three categories. First, we are going to withhold the funds; second, if you prohibit constitutional prayers; and third, the local school board or educational agency shall not require form. What if you took off the last sentence, shall withhold funds if you prohibit constitutional prayer; we have, no, they shall make no order or ordinances to the form of the prayer?

Mr. DANFORTH. You would then be solving a big problem at the end of this amendment. That is clear. You would still have the primary problem with the amendment; namely, this is the problem of Uncle Sam, we in the Senate, making a decision relating to the most fundamental values of a local community.

We are saying that under the circumstance—just as an example—under the circumstance in which there is divisiveness in a community—let us say this Farrakhan character has just shown up in the community. There is an uproar going on, total uproar, on the basis of religion. We are saying that school district under those circumstances cannot say that we believe this is disruptive and we are not going to permit it.

Mr. PACKWOOD. I am not saying that any more than what Justice Holmes said about shouting fire in a crowded theater. Freedom of speech does not extend that far. I am sure freedom of religion does not extend as far as if you are faced with a Louis Farrkhan-near riot the school system cannot shut the schools. You go way beyond prayer and you are into riot.

Mr. DANFORTH. I would be happy to stop short of riot, and I will posit another situation short of a riot.

Let us suppose a community is 90 percent Christian and 10-percent Jewish. And let us suppose that the Christian kids are very enthusiastic, very much into their religion, very much into forming prayer groups, very much into leading prayers and offering prayers and seeking opportunities to have prayers.

Let us say that the Jewish kids are humiliated by this; that they feel they are being excluded and left out and that the parents of the Jewish kids go to the school board and say, "My children are coming home in tears every night because of what they believe is kind of an in-group mentality of the school," and the school says we believe as a matter of educational policy that this is something that is disruptive and we would like to exercise our local responsibility and say we are going to have a little oasis in this school where people are not going to be divided on religious lines.

I believe that the school district should be able to do that on their own without Uncle Sam coming in and saying, "I am sorry, we're going to mandate that you do this or you lose your Federal educational money."

Mr. PACKWOOD. I would be inclined to, given the circumstance you mentioned, probably agree with you in that fact situation. If you had a zealous 90 percent Christian district with proselytizing kids, harassing their 10-percent, the 10-percent Jewish, harassing 10-percent Jewish classmates, my hunch would be the Court might say that you do not have a constitutional right to do that. But I am willing to leave it to the Court to determine the constitutionality.

My question is this: Once the Court has determined the constitutionality, the 90 percent cannot harass the 10-percent Jewish fellow classmates, but the 90 percent can pray and the 10-percent can pray, then the school district cannot say to the 90 percent and the 10-percent, "No you can't."

Mr. DANFORTH. Why not leave it to the school districts to make the decision without us making the decision? On something that is this latent with community values, on something that is this volatile, on something that is this community-sensitive, why should either the U.S. Senate or, let us say, the Federal district court be the deciding factor?

Why are not school districts in the business of trying to effectuate community values? We are not in this amendment dealing with the Constitution. If the Constitution prohibits the prayers, this amendment is not going to help it. What this does is to say that within the present constitutional boundaries, whatever they are, within those present constitutional boundaries, the school board is no longer going to be the decisionmaking body for determining how we are going to operate the school.

Mr. PACKWOOD. It is interesting. The Senator says should we not leave it to the local school board. A long time ago, we said, when it comes to freedom of religion, we are not going to allow the local school board to be the last word. We are not going to allow the school board in my county of Multnomah, OR, we are not going to allow the school board in Jefferson City to say this is what freedom of religion means in Jefferson City. The Court has said there is a national standard, and local school boards cannot violate that.

Now, if you have a national standard that says a child can pray, you cannot let the school board violate that. And if the school board does violate that, if I understand the Senator's amendment, he says we are going to take away your money. But heavens, we take away their money all the time, or threaten to if they do not adhere to a variety of other statutory obligations we pour on them.

Mr. DANFORTH. Well, the Senator is correct in the fact that there are some people who are really enthusiastic about we in Washington having just wonderful wisdom to tell people what to do. The idea that the power of the purse can be used by Washington to direct people at the local level as to how to function in their lives is very, very invigorating; it just sweeps us into the enthusiasm of the thing.

But I just do not understand why we should say that a school district cannot take the position that it wants to just keep out of the religious situation and let that be a matter for the families, for the churches, for the homes.

Mr. PACKWOOD. Apparently, the Court has said they cannot totally opt out of the religious situation. That is unconstitutional. They cannot say a child cannot pray. You cannot say you cannot meet after school on an equal basis, a religious or an athletic basis. The school cannot do that. It is unconstitutional.

Mr. DANFORTH. A school can certainly say we are not going to have prayer in classrooms during school right now, as of now, until we pass this.

Mr. PACKWOOD. They can say that you cannot have compulsory prayer, you cannot have school-led prayer, you cannot have teacher-led prayer. I do not know whether or not the Court has said, if school starts at 8:15 in the morning, that at 9:30 Susie or Jimmy cannot say a silent prayer to themselves right in the middle of class. Maybe the Court said that; maybe it has not. But if the Court has said that, the local school board would not have the constitutional right to stop it.

Mr. DANFORTH. As I understand it, I do not believe that the Supreme Court has ruled out the possibility of silent prayer. This is not limited to silent prayer.

Mr. PACKWOOD. It is limited to constitutional prayer.

Mr. DANFORTH. This is not limited to silent prayer.

Mr. PACKWOOD. It is limited to constitutional prayer, silent or otherwise.

Mr. DANFORTH. There is no such thing as unconstitutional prayer.

Mr. PACKWOOD. Yes, there is.

Mr. DANFORTH. Where is there any such thing as unconstitutional prayer?

Mr. PACKWOOD. When the school district attempts to require the student to say a prayer, that is unconstitutional.

Mr. DANFORTH. It is unconstitutional to require somebody to say a prayer. But anybody who wants to utter a prayer has a constitutional right to utter that prayer. I am not talking about officially mandated prayer. Nobody is discussing that.

Mr. PACKWOOD. And if the school district attempts to take away that right, should we sanction them by withholding funds?

Mr. DANFORTH. There is no constitutional right that I know of to stand up in the middle of the classroom and begin praying. There is no constitutional right during school hours that I know to organize prayer groups.

Mr. PACKWOOD. Then let me ask——

Mr. DANFORTH. Maybe the Supreme Court can decide such a thing.

Mr. PACKWOOD. Let me ask the Senator from North Carolina then, if there is no constitutional right, as the Senator from Missouri said, I assume the Senator's amendment could not stop any money, if there was no constitutional right.

Mr. HELMS. We are not into that. Throughout the legislative history of my speech, I referred to constitutionally permitted prayer. Now, if anybody doubts that, we will write it into it.

I ask unanimous consent, Mr. President, that those two words be added so that there will be no further argument about it.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll to ascertain the presence of a quorum.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1382, AS MODIFIED

Mr. HELMS. Mr. President, I believe we have agreed on two modifications which were strongly referred to in my legislative history, my speech, on my amendment. Mr. President, will the clerk read the proposed amendment as modified.

The PRESIDING OFFICER. The clerk will report the amendment, as modified.

The legislative clerk read as follows:

At the appropriate place, add the following:

"No funds made available through the Department of Education under this Act, or any other Act, shall be available to any state or local educational agency which has a policy of denying or which effectively prevents participation in, constitutionally protected prayer in public schools by individuals on a voluntary basis. Neither the United States nor any state nor any local educational agency shall require any person to participate in prayer or influence the form or content of any constitutionally protected prayer in such public schools.".

The PRESIDING OFFICER. Is there objection to the modified amendment? Without objection, the amendment is so modified.

The amendment (No. 1382) as modified, is as follows:

At the appropriate place, add the following:

"No funds made available through the Department of Education under this Act, or any other Act, shall be available to any state or local educational agency which has a policy of denying or which effectively prevents participation in, constitutionally protected prayer in public schools by individuals on a voluntary basis. Neither the United States nor any state nor any local educational agency shall require any person to participate in prayer or influence the form or content of any constitutionally protected prayer in such public schools.".

Mr. HELMS. I hesitate to make any remarks that I was going to make because the two modifications that have been agreed to are precisely what I have been emphasizing all afternoon anyhow, except I used the words "constitutionally permitted" and the modification says "constitutionally protected."

So of course I am grateful to Senator PACKWOOD for taking part in this discussion. He made an enormous contribution.

Let me just say this: as now modified, my amendment referred only to "constitutionally protected" prayer and previously it was "constitutionally permitted." I do not know whether that is splitting hairs or not. But if it suits Senators, it certainly suits me.

In any case, whether it is protected or permitted it does not force school districts to allow school prayer which the Supreme Court has determined to be prohibited.

My amendment does not prohibit school districts from establishing time and place restrictions on prayer. It does not mandate school prayer or mandate participation in school prayer, or require schools to establish particular prayers.

What this amendment does in short is to assure students their right to constitutionally protected voluntary prayer by providing that school districts which prohibit constitutionally permitted prayer and so forth. The rest of it is obvious.

Mr. President, the Supreme Court has never ruled directly on the constitutionality of student-initiated voluntary school prayer. But Supreme Court precedent indicates that students have a right to engage in religious activities in the schools if those activities do not materially disrupt other activities in the school.

In 1981, in *Widmar* v. *Vincent*, 454 U.S. 263, the Supreme Court held that religious speech is protected under both the free speech and the free exercise clause of the first amendment.

In 1969, in *Tinker* v. *Des Moines School District*, 393 U.S. 503, the Supreme Court held that students exercising their free speech rights in the school cannot materially disrupt the school day or substantially infringe upon the rights of others in the school.

In 1990, in *Mergens* v. *Westside Community School District*, 496 U.S. 226, the Supreme Court upheld the Federal Equal Access Act for religious activities in the schools against a challenge against the act by the school which argued that student-initiated religious activities on campus violated the establishment clause in the Constitution. The Supreme Court thus rejected the argument that any student religious activities on school campuses violated the Constitution.

Those cases are still good law, and taken together, they should make it clear that students have a right to engage in religious activities in the school if those activities do not materially disrupt other activities in the school day or infringe upon the rights of others in the schools.

There is nothing in the language of the Helms amendment contrary to those Supreme Court holdings and I fully expect that the amendment, if enacted, will be interpreted and upheld in a manner consistent with these Supreme Court precedents concerning student-initiated religious activities in the schools.

The yeas and nays have been ordered on the amendment, have they not, Mr. President?

The PRESIDING OFFICER. The Senator is correct.

Mr. HELMS. I suggest we vote so we can move along.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. KENNEDY. If I could just inquire of the leadership, and have a brief quorum call, I am prepared to vote. I want to vote.

Mr. HELMS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I ask unanimous consent I be allowed to pro-

ceed as if in morning business for no longer than 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

BALANCED BUDGET AMENDMENT

Mr. CRAIG. Mr. President, a sour note occurred this morning when the newspaper Roll Call indicated that consideration of the balanced budget amendment to the Constitution may not necessarily lead to a vote. I am deeply disappointed, to be very honest with my colleagues, at the prospect that a few Senators are hoping to gridlock this amendment. This, I believe, is a momentous issue, and the need for an amendment increases with every passing day and the growing of a monstrous Federal debt.

To explore adequately all of the issues involved with a balanced budget amendment will require lengthy and appropriate floor debate. Amending the Constitution is a serious undertaking, and this legislation deserves full and adequate consideration.

However, it also deserves fair consideration, and Senators deserve to vote on final passage. If a minority tries to bottle up a balanced budget amendment, it implies that they just do not trust the judgment of the American people. Polls have consistently shown that people are demanding this amendment by 4-to-1 and 5-to-1 margins.

Obstruction of this amendment also implies mistrust in the democratic process and the will of the people as exercised through State legislatures that would be responsible for ratification of any amendment that we might send forth. The American people deserve a chance to see this debate in process, to hear of the issue, and to see Senators as they vote on a final decision of whether the American people ought to have a right to determine whether we should operate under a Constitution that would require a federally balanced budget.

Senators have been chastised on this floor for creating gridlock, which, of course, in some instances might appear to be legitimate. But certainly, in an instance that denies the majority the right to vote, the right to debate, the right to discuss an issue, it is, in fact, a serious charge and a serious challenge.

I call on the majority leader, and I call on my colleagues to implore the majority leader to help, not hinder, the Senate in doing its job of completely considering a balanced budget amendment and in that consideration to take a final vote on its passage.

This Senator also pledges, Mr. President, to stay out here on the floor as long as it takes to win the final vote on this issue. I am confident that a sufficient number of my colleagues, a strong majority of this body, will join with me and argue that it is absolutely necessary that we debate this issue and that we vote on this issue and that opponents who may want to prolong the debate only for the purpose of denying a vote will be denied that opportunity.

I yield back the remainder of my time.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DANFORTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

GOALS 2000: EDUCATE AMERICA ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1382, AS MODIFIED

Mr. DANFORTH. Mr. President, first let me say that a lawyer, particularly a constitutional lawyer, would say that Senator PACKWOOD has made a real contribution and that the Helms amendment, as modified, is not as pernicious as its original form because of the adding of the words "constitutionally protected." However, I am concerned about the effect of this amendment, not on constitutional lawyers, but on real-world school board members and real-world school administrators.

I think that even as modified, what this amendment says is, if you are on a local school board, you better watch out. If you are on a local school board, you better watch out because the Feds are after you. If you are on a local school board and you make a mistake of law, we are going to come and get you and we are going to take your money away from you.

I do not think in some of our smaller school districts and some of our poorer school districts the constitutional lawyers are going to be consulted. I believe there is going to be some vague threat that, if you do not have school prayer, you are going to lose your money. Therefore, I think this is still a bad amendment.

I would prefer my own amendment. I would prefer to have a sense of the Senate that a period of silence is a good thing to have. But once we get into the business of mandates, we have created a real problem because there is only one reason to have Federal mandates, and that is to change the way of operation at the local level. The only reason to have a Federal mandate is to have a weapon held at the head of people at the local level and in this case held at the heads of people in the local school districts.

That is the reason to have mandates. That is the reason for the heavy hand of Government. That is the reason for those of us in Washington saying we are going to give you money if you do things our way, and we are going to withhold money if you do not.

What we are saying in this amendment is Federal education money is not going to be available. And, Mr. President, where does that money go? Where does Federal education money go? Does it go to the wealthy school districts which have access to the sophisticated constitutional lawyers who can say this is not as big a threat as it looks? No. The education money goes to those school districts that are least likely to hire the constitutional lawyers.

We are saying to those most vulnerable school districts, Big Brother has spoken on the subject of school prayer. I do not think they are going to make the fine distinctions. I think they are going to say that We are really going to lose something that is crucial to the lifeblood of this school district if we do not start opening up to all types of prayer. They are not going to make distinctions between constitutionally protected and constitutionally permissible. These school boards are not going to make that kind of distinction. They are going to be scared sick.

I mean, there is something scary in the minds of a lot of people about Uncle Sam. We think we are very benevolent around here with great largess in Washington, we are concerned about the values and the morals of the American people. But there are a lot of people out there who are scared of us. They are frightened about Washington, and they are going to be frightened about this. They are going to say: "Let us start having our prayer clubs and our prayer groups. Let us start Balkanizing our school. Let us start having Christian groups and Jewish groups and Catholic groups, all joining in our schools offering prayers because, if we do not, we are going to lose our money." And the fine distinctions will not be there.

So I continue to oppose this. I really think it is pernicious, and I really think it is divisive, and I really think that the fine distinctions do not apply.

There are a lot of times in legislating when we look for the fine distinctions and we try to cut some kind of compromise. But when we talk about the religious lives of our people, it is very hard to make those kinds of minute distinctions and small compromises on the floor of the Senate. We are dealing with how people perceive themselves as human beings, how minority kids perceive themselves, how kids who are not in the group perceive themselves, how kids whose religious values come from their families and their churches or their synagogues perceive themselves, 8-, 10-, 12-year-old kids, how they perceive themselves when the school is being Balkanized.

I do not think that those who are running the schools are going to know

the difference between "permissible" and "protected." I think it is all going to be lost. It is typical of us to make these kinds of fine distinctions, but in the real world it is not going to amount to anything at all, and it is just very, very threatening.

I do not think we should be shoving people around like this. I do not think we should be shoving the school districts around. I think we should let them manage their own problems.

Mr. President, I ask unanimous consent that Senator CHAFEE be added as a cosponsor to my amendment, which is the alternative amendment, which is a sense-of-the-Senate amendment, and which does not use the power and the wealth of the Federal Government to push the school districts around.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I agree with the very excellent remarks by the Senator from Missouri. I think I cannot improve upon the way he explained it.

But I would like to explain how we are reversing present law. Present law states that no funds, no Federal funds, may be used to prevent the implementation of programs in voluntary prayer and meditation in the public schools. That means the school boards are free to implement it. There is nothing to be done to prevent that.

What we are doing now is to say the other way around; that the school boards cannot control whether school prayer is implemented in the public schools. In other words, we have created a huge hammer over the local school boards who will be faced with a dilemma of a group that comes forward and says that they want voluntary prayer every morning, every noon, whenever else, and you better implement it or else they will make sure that all your Federal funds are gone.

I think we ought to understand what we are doing here. That is an incredible change in existing law. It may be what is desired and, apparently, it is what is desired.

But I would also remind everybody, we are not talking about the loss of the planning funds under this bill, which are very minimal, in fact, almost nonexistent as far as the school boards are concerned. We are talking about all programs under the Education Act. That means the Elementary and Secondary Act, all of those acts which the school districts are so dependent upon for a large part of their funding, special education, all of those would be gone. It would create a crisis for that local school district.

In addition to that, there are NASA grants, National Science Foundation grants, the school lunch program under the agriculture program, school breakfast programs, the HHS, such as Medicaid funds, all of these would be lost.

Now, granted, probably those will never get lost because there is such a huge hammer now that we will end up with school districts over the country bowing to the pressure of those who want to have school prayer in the schools.

And whether that is right or wrong—obviously, the author of the amendment thinks that is right, that is good—but I would wonder what would happen, depending if your religious balance shifts in these schools. If you get into a school where your child is a Protestant and you are in San Francisco where there are other predominant religions or Asian religions, would you want that? That is the question. And that is the question the flip side asks.

I just want to make sure we know what we are voting on here. It has been nicely corrected from the perspective of constitutional lawyers, as has been pointed out. But it has not been explained correctly in the sense of what it will do. And the power of the Federal Government will be used to change what is now considered a well-working system with respect to when and where voluntary school prayer will be used in school.

Mr. President, I will be opposed to the amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Did the Chair say, "Who yields time?" Are we under controlled time?

The PRESIDING OFFICER. No, we are not. The Chair stands corrected.

Mr. HELMS. I thank the Chair.

Mr. President, I do not know precisely how to say what I am about to say. I do not mean it in any mean-spirited way, but I am puzzled.

I met the objections of Mr. Justice DANFORTH and perhaps Mr. Justice METZENBAUM, and Mr. Justice SIMON of Illinois. We have a court of 13 Justices now telling us what the Constitution is.

I am just a country boy doing the best I can trying to respond to the wishes of 75 percent of the people polled on this question time after time. They want to see school prayer restored in their schools, and this amendment of mine will do it.

Now, if you want nothing to be done about the school prayer situation, then vote down the Helms amendment. That is very simple. You can leave it just like it is, because, with all due respect to my friends Senators DANFORTH and KASSEBAUM, and I understand Senator CHAFEE wants to cosponsor it, they are acting as surrogates for Senator KENNEDY, who has opposed this amendment every time I brought it before the Senate.

The amendment that they propose, which is now the Danforth-Kassebaum-Kennedy-Chafee amendment, is a nothing amendment. It is a nothing amendment. It does nothing. It means nothing. And nothing is ever going to happen if it is adopted, if the Helms amendment is not adopted.

So if you want something done about the school prayer situation, if you want to respond to those 75 percent of the American people who want something done, you better vote for the Helms amendment.

Now I am not going to go home and cry if the Helms amendment is not passed, because I have been around the track a few times and I win some and I lose some. But the losers in this will be the 75-percent of the American people who are fed up with the things that Senator LOTT described in Mississippi, and I described other things that have gone on which are perfectly outrageous with respect to school prayer.

So the Helms amendment, which will be voted on first, is a response, as I have said over and over again this afternoon, to the 75-percent of the American people who want constitutionally protected, as it now reads, school prayer restored. It is virtually identical to a provision adopted by the House of Representatives by a vote of 269 to 135.

So, if you want something done, it is OK with me if you vote for both amendments. I may do exactly that, because the second amendment means nothing.

But make no mistake about the implications or the reality of my amendment. My amendment refers only to constitutionally protected prayer. I had it constitutionally permitted. I am not sure I understand the difference between protected and permitted, but I agreed readily.

My amendment does not, despite what has been said on this floor, force school districts to allow school prayer the Supreme Court has determined to be prohibited. No way. My amendment does not prohibit school districts from establishing the time and place restrictions on prayer. My amendment does not—does not, I say for emphasis—mandate school prayer or mandate participation in school prayer, nor does it require schools to establish particular prayers.

What my amendment does is assure students their right to constitutionally protected voluntary prayer by providing that school districts which prohibit constitutionally protected prayer will have to do without that free money from Washington.

I thank the Chair and I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER (Mrs. BOXER). The Senator from Massachusetts, the manager of the bill.

Mr. KENNEDY. Madam President, first of all, I would like to ask unanimous consent that the vote on the Helms amendment occur at 5:40 today.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. KENNEDY. Madam President, I intend to support the amendment of the Senator from North Carolina, as amended, and for these reasons. Under the modification, the amendment only applies, actually, when a court determines that a school district has a policy that effectively prevents a student from engaging in a constitutionally protected prayer. The way I read it, a court would have to make that judgment. So it is only those situations where a student has a constitutional right to pray, as determined by a court, that would be implicated by this amendment. This is, obviously, a difficult balance to be struck in the area of free exercise and the establishment of religion. It is a delicate balance. The modification protects only those situations that the free exercise clause protects.

We withhold funds here if we find that there is going to be discrimination on the basis of race. We withhold funds if there is going to be discrimination on the basis of religion. We also have done that with regard to disability.

The way I read this amendment, as changed, the amendment would say that if they are going to deny, as a matter of school board policy, constitutionally protected rights, then that school district will lose funds under this act.

So I have enormous respect for my friend and colleagues—the Senator from Missouri and the Senator from Vermont—in terms of their positions; the uncertainty that might be out there in terms of the schools and understanding what is appropriate or what is not appropriate, and the arguments that are made in terms of the issues of public policy that are raised. But it does seem to me, as this amendment has been changed now for the constitutionally protected speech, that basically we are just saying if a school board is going to violate that as a matter of policy, it would be ineligible to receive money under this provision.

As one who has supported that position with regard to race and religion and disability, I think the amendment is not inconsistent with that policy. So when the time comes to vote, I will vote in favor of the amendment.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. PACKWOOD. Madam President, I hope the vote on this amendment will not be close. I am delighted the Senator from Massachusetts is going to support it. But I want to add my voice as one who has opposed most of the school prayer amendments, either statutory or constitutional, that we have had in the past, in support of this.

A little bit of background and history as to school prayer in this country is worthwhile at this stage.

When we had the first Supreme Court decisions 30 years or so ago limiting school prayer, there were some interesting studies done as to what geographic areas of the country prayed and did not. It was interesting. It was not a uniform breakdown.

Heavily in the South it was common to have prayers in public schools. In some cases they were a common prayer each day. In some cases it was a different prayer each day. In some cases, they were picked by the teachers; in some cases, by the school boards. But it was heavily in the South, and you found it in urban public schools that were heavily Catholic.

They were basically a geographic prayer that represented the predominant religion in the area.

I think unconsciously, probably—I do not think it was meant to be a proselytizing prayer for Catholics in urban areas or for Baptists in the South—but it was unconsciously a reflection of the predominant religion of the area.

Interestingly, in the West prayer was not common. I take this not only from my own experience but from the study. I went to public grade and high schools in Portland, OR and we did not pray. We said the Pledge of Allegiance everyday but we did not pray. It turns out that was common in the West, common throughout the State of Oregon.

The Court started striking down prayers where there was an obvious sectarian overtone, or where there were objections from students who were not of that sect and felt they were being compelled to participate in a prayer that was not of their religion. Initially, the schools thought they could take care of that by having the students who did not want to pray go in the cloakroom or go out in the hallway. The Court, in essence, felt it was unfair pressure, if you are 7 years old or 8 years old, and everybody in the class is praying but you, and the teacher says, "Johnny, you go outside," well, 7- or 8-year-old kids are not going to do that so they stayed there when the prayer was held.

The courts, in some people's minds, went too far then—not in mine. I thought the decisions, by and large, were quite consistent. But I do applaud the Court when it came to the place where it said voluntary prayer, individual prayer, is constitutional. This is not something you try to impose on others. This is you. And the school board or the schoolteacher or the school principal cannot take away your rights to say your prayer so long as you are not interfering with other people.

I am one who thinks we ought to push to the outer limits of constitutionality prayer in public places. It is not going to hurt a single one of us. It may do more good than most of the policies we adopt. But to the extent it is constitutional, then this Senate should do everything possible to protect that right. If that means that on occasion we are going to say to some school district you will be threatened with the loss of your money if you do not let Sally or Jimmy constitutionally pray, that is no greater a threat than saying to the school district we may threaten to take away your money if you discriminate against women and girls; we may take away your money if you racially discriminate; we may take away your money if you discriminate against the disabled or the aged.

So let us add one more. We will threaten to take away your money if you are possibly going to discriminate against constitutionally protected prayer.

It is a good amendment. I hope the Senate will adopt it and I congratulate the Senator from North Carolina.

Mr. LEVIN. Mr. President, locally elected school boards ought to have the right to adopt a policy providing for constitutionally protected voluntary school prayer. However, that is not the effect of the Helms amendment.

Instead, the Helms amendment is an example of the Federal Government's, in effect, imposing on locally elected school boards the requirement that they allow voluntary prayer in school as long as it would not violate the Constitution. In other words, it could override a locally elected school board's decision not to allow voluntary school prayer if that school board seeks any funding from the Department of Education.

At a time of increasing concern about Federal mandates and the overriding of local decisionmaking, this amendment is particularly troublesome because it is in the context of our first amendment freedoms. it is for that reason that I will vote against it.

Ms. MIKULSKI. Mr. President, improving our educational system is a top priority. Yet, it has not gotten the attention it rightfully deserves.

But today we consider legislation, Goals 2000—Educate America Act—that gives a boost to States and local communities for education reform initiatives.

And at the same time, this legislation suggests an education framework for the entire Nation by establishing national goals.

Of these goals, here are my top three: getting kids ready to learn, making sure United States students will be first in the world in mathematics and science, and making every school safe and drug free.

First, it is vitally important for American children to start school ready to learn. How can we tackle school reform without tackling school health?

Health is a major concern in this country for everyone including our youth. Sadly, less than 40 percent of 2-year-olds receive complete immunizations. This is not satisfactory.

Every student must start school healthy not just in the first grade but in every grade because we know that healthy students have better attendance and are more productive. This legislation supports developing healthy young minds and healthy bodies.

Second, we must strive to make United States students first in the world in mathematics and science.

As Chair of the subcommittee that funds the National Science Foundation, I have worked to strengthen math and science education for all children, especially in the early grades.

Mr. President, by age 13, the math and science achievement of American students lags behind that of students in other countries. Yet, if we are going to keep pace with the rest of the world in developing new technology, our students will need strong math and science skills.

It is critical that both girls and boys get the math and science skills necessary to compete for the high tech jobs of the future.

And finally, Mr. President, we must do all we can to make every school in America free from drugs and violence. This is an extremely important goal.

And I am especially pleased that my amendment was accepted to make this goal better. My amendment asks every school to make the elimination of sexual harassment a part of its mission to create a healthy school environment. It will help make the school environment more conducive for learning all students—girls and boys.

Mr. President, it is important to have safe, disciplined, and drug-free schools.

I have seen the way that crime has infiltrated our schools and our community. In January of last year, I held a town meeting with students at Canton Middle School in Baltimore.

I asked these assertive 12-, 13-, and 14-year-olds: "If you could talk to President Clinton, what would you tell him?" They gave me an earful. But of all the issues they asked about, crime was their greatest concern.

Just yesterday, a Baltimore school teacher, Julie Lombardi, who worried about the safety of her kindergarten class, was shot in the face as she left the school parking lot near Reisterstown Road.

Mr. President, we cannot tolerate any more of what is happening on our streets and in our schools. We need to make investments in our youth before the trouble begins.

For many young people in our cities today, gangs are the only option if they want a social life or want to feel like they belong. We need to show them that there are other things to do.

These students come to school every day in fear of crime. They want gun control, safer streets, and more programs like community policing that get the police officer out of the car and into the neighborhood.

Mr. President, to prevent crime in our schools, we need good public schools, good teachers, good resources, and the ability to learn. And I think we can do that.

That's why I am proud to be a cosponsor of the Safe Schools Act being offered as an amendment to this bill by Senator DODD. We need to say "yes" to kids who say "no" to drugs and "yes" to homework. We need to give a good guy bonus for those who stay in school, work hard, and participate in community service.

In my State of Maryland, we have made a commitment to community service and a commitment to improving education.

Maryland has established an innovative education reform plan called "Schools for Success." It is aimed at comprehensive school improvement and reform.

The Maryland Schools for Success Program encompasses—and exceeds—the seven national goals that this bill puts into law. It provides a framework for schools to measure their progress and to make any needed adjustments in order to keep pace with changes in technology.

The support that Maryland could get from this bill would add the financial spark that Maryland's schools need to keep their plans going and to keep change coming.

My State is a pioneer in many ways; education reform is one of them. But some States are not so lucky. They, in fact, could use the guidance that this bill provides.

With this legislation, States and schools develop and try their own innovative reform methods because States do not want their hands tied when it comes to school reform. They want to do it their way in order to get the job done.

Mr. Chairman, education reform is one of the most important issues in America today. Our youth must have the knowledge and know-how to compete in today's work force. By helping them get that education, we will have bright and articulate workers of tomorrow.

Mr. President, the Government cannot do everything. But, clearly, it can give an opportunity structure by supporting good health, good schools, and a safe environment.

We must build our communities by bringing down violence and bringing about change. The education of our youth is an investment we cannot afford to overlook. It is what is best for our children and our future.

AMENDMENT DIRECTING A STUDY OF GOALS 2000 SCHOOL REFORM AND STUDENTS WITH DISABILITIES

Mr. DOLE. Mr. President, I wish to thank the bill managers for including in their package my amendment which directs the Secretary of Education to conduct a study of how well students with disabilities are served by the Goals 2000 school reforms. The National Academy of Sciences was selected as the contractor because of its reputation for both independence and excellence.

Mr. President, there are three reasons why this study is important and, in my view, way overdue.

First, I am concerned that students with disabilities will miss the bus when it comes to school reform. Whether one agrees with Goals 2000 or not, the national debate over education sparked by the 1983 report "A Nation at Risk" has been important and sometimes riveting.

Regrettably, in the past 11 years there has been little attention to students with disabilities, although they comprise 10 percent of all students and are among those most in need of education reforms. For example, Goals 2000 aims for a 90-percent high school graduation rate. Even without reform, the graduation rate among nondisabled students has been growing, to 83 percent today. But among students with disabilities, whose graduating with either a diploma or a certificate dropped from 60 percent to 52 percent between 1986 and 1989.

Mr. President, I know that the bill contains many references to students with disabilities, and I commend the Committee on Labor and Human Resources for its strong report language in this regard. But neither bill or report language can make up in one fell swoop for a decade of neglect. At the very least, I hope this study will jump start attention to this issue.

Second, there are many unanswered questions about Goals 2000 school reforms and students with disabilities. Although I do not intend or expect this study to rewrite Goals 2000, we must be sure that goals, standards, and assessments work for students with disabilities, not against them by promoting their exclusion.

Lastly, I hope that this study will also provide ideas for the upcoming reauthorization of the Individuals With Disabilities Education Act, and help spur a badly needed, careful review of how well this Nation educates its students with disabilities and the challenges faced by the States and by schools in serving such students.

Mr. President, when it comes to disability, we live in a new world. In 1990, Congress enacted the Americans With Disabilities Act, determined to make full participation by people with disabilities our national policy, and committed to the proposition that we can

create a fully accessible society. I expect this study to be carried out in that spirit.

In closing, Mr. President, almost 25 years ago, in November 1969, I gave my first speech to this body on the education of students with disabilities. At that time I said, "In our Nation, education has become the major route to full participation in society. [But] the simple stark truth this is: We have not committed ourselves to the concept of providing equality of educational opportunity * * *." Since then, we have worked hard to close the opportunity gap. This study will help ensure we keep moving forward.

THE GOALS 2000 EDUCATION BILL

Mr. HEFLIN. Mr. President, I rise in support of the legislation we are considering today, the Goals 2000 education bill.

I believe it is important to address the idea of school readiness, and this legislation does that. Its first goal is that by the year 2000, all children in America should start school ready to learn, thereby increasing the graduation rate to at least 90 percent. Another important goal is that our students would leave grades 4, 8, and 12 having demonstrated competency over basic but challenging subjects like English, mathematics, science, foreign languages, civics and government, the arts, history, and geography.

In addition, it is time that we make increasing adult literacy a top priority so that individuals will possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship.

One of the six goals contained in this legislation pertains to drug-free schools. This is an extremely important goal and one in which I feel education can play a vital role. We have held hearings in the Judiciary Committee pertaining to drug abuse, and almost every individual who is involved in law enforcement tells us that if we are going to win the war against drugs, we have to win it through education.

These officials have impressed upon us the idea that you must win this battle on the demand side. We must decrease the demand for drugs, and education is the best method for conveying to young people the ills of drug abuse.

We can take pride in setting as a goal by the year 2000 that every school in America will be free of drug and violence and offer a disciplined environment conducive to learning. The Federal Government will take steps to ensure that all students receive drug abuse prevention education and counseling services.

Goals 2000 will support the development of work skills and standards to identify those skills required to enter different occupations. These standards will help individuals in their transition from school to work, as well as influence the education they receive in secondary schools.

Perhaps the most serious concern regarding those students who do not pursue formal education beyond high school is that entry level workers with a high school education or less have experienced real decreases in their earning power. Also, we have to be concerned that those youths who do not go to college may face difficulty moving from school to the adult work force.

Although many high school students work, their jobs are usually low-skilled, low-wage, and occasional. Many young adults never move into real careers. Some of the possible causes for this problem are skill deficiencies, particularly in academic areas, low student motivation in high school, and increases in job-skill requirements. This legislation responds to these concerns by establishing the National Skills Standards Board to serve as a catalyst in stimulating the development of a national system of voluntary occupational skills standards.

The Board is to be composed of members representing the business community, labor, education and training, community-based organizations, State and local governments, and civil rights organizations. The Board will identify broad clusters of major occupations involving industries in the United States which share characteristics that make them appropriate candidates for the development of a common set of skill standards.

In Alabama, Governor Folsom's task force on education reform has drafted a similar plan for the reform of Alabama public schools. The plan, entitled "Alabama First: A Plan for Academic Excellence," calls for the adoption of learner goals and objectives, the restructuring of secondary education, and the development of student assessment strategies. The Alabama reform plan also calls for a leadership and mentoring program, teacher assistance teams, and learning resources teams for educators.

The legislation we are considering today will strengthen and improve teacher training, textbooks, instructional materials, technologies, and overall school services so students will have the tools to achieve higher standards.

This bill will create new partnerships in which parents, schools, teachers, business and labor leaders, the States, and the Federal Government all work together to benefit and educate all students. As I mentioned before, the National Skills Standards Board to be established by Goals 2000 will promote the development of occupational skills standards that will define what workers need to know and will ensure that American workers are better trained and internationally competitive.

Goals 2000 will encourage the development of innovative student performance assessment to gauge progress and increase flexibility for States, school districts, and schools by waiving rules and regulations that might impede local reform and improvement.

Our schools must prepare young people of all ages for a wide array of jobs and careers. During the coming years, with the explosion of technology and a corresponding demand for specialized education, emphasis on skills will play an increasing role in the training of the young people of this country and in preparing them for the role they must play in our economic future.

It is said that America is losing its competitive edge. How well prepared are we to enter the 21st century? In the past, America has set standards for the world. It is now time to determine that we should enter the next century having achieved a level of excellence unsurpassed in history.

We will meet this challenge by providing young people of this Nation with the advantages which result from programs setting goals and achievement targets in education. The quest for excellence begins in the classroom, but must proceed into the workplace. I urge all of my colleagues to support this legislation.

Mr. DASCHLE. Mr. President, I come before this body today to voice my support for S. 1150, the Goals 2000: Educate America Act. It is long past time to strengthen our national commitment to the most important natural resource this country possesses—its children who, after all, are our future. The bill we consider today represents a comprehensive national attempt to promote that end by helping our local schools educate their students in the best manner possible.

The Goals 2000: Educate America Act establishes a framework for ensuring that our educational system helps all students realize their full potential. It begins by codifying the national educational goals that were adopted by President Bush and the Nation's Governors in 1990, and then authorizes $400 million in Federal aid to States and communities to develop and implement local education reform initiatives.

The National Education Goals endorsed by this bill are:

First, that by the year 2000, all children in America should start school ready to learn;

Second, that by the year 2000, the high school graduation rate will increase to at least 90 percent;

Third, that by the year 2000, American students will leave grades 4, 8, and 12 having demonstrated competency over challenging subject matter and will be prepared for responsible citizenship, further learning, and productive employment in our modern economy;

Fourth, that by the year 2000, United States students will be first in the world in mathematics and science achievement;

Fifth, that by the year 2000, every American will be literate and will possess the skills and knowledge necessary to compete in a global economy;

Sixth, that by the year 2000, every school in America will be free of drugs and violence and will offer a disciplined environment conducive to learning; and

Seventh, that by the year 2000, every school will promote partnerships that will increase parental involvement and participation in promoting the social, emotional and academic growth of children.

These goals are the cornerstone for the establishment of a system of academic and occupational standards designed to improve teaching, learning and occupational skills across the country. While an ambitious undertaking, the attainment of these goals is, given the quality of our educators and potential of our children, certainly well within our reach.

In addition to setting concrete goals for which to shoot, the Goals 2000: Educate America Act establishes a true partnership between the Federal Government and local communities in the education of America's youth. The legislation is designed to stimulate a community-based reform effort by providing the greatest amount of flexibility to states and local school districts in designing their curricula while allocating the Federal dollars needed to implement locally-initiated reform in our schools.

Some concern has been raised at the local level that Goals 2000 promotes "outcome-based" education [OBE] and shifts a school's focus from how much students know to how well they are socialized. On the contrary, Goals 2000 focuses on academic performance and results. It supports the development of high standards that define what students should know and be able to do in core academic subjects, such as English, math, the arts, science, history, civics, and geography. The legislation does not endorse nonacademic outcomes.

More specifically, Goals 2000 does not encroach on the right of parents to guide their children in the development of personal values. In fact, greater parental involvement is an integral part of the educational improvements that this legislation envisions.

Simply stated, Goals 2000 is intended to help us, as a Nation, focus on the skills that will be needed by students in their future workplace and commit greater national resources to that effort. This is not an attempt to impose particular values or educational philosophy in each community. It is not an attempt to overtake local control. Rather, it provides a national framework for grassroots education reform and provides Federal funds to support State and local improvement plans, written at the local level.

Finally, I want to commend President Clinton and Education Secretary Dick Riley for crafting this ambitious concept and making it an Administration priority. Both men are former governors who understand the importance of education to the future of our communities and States, and who have a longstanding interest in the role of our local communities in the education of our children. Their experience as governors clearly contributed significantly to the formulation of this bill.

Mr. President, approval of S. 1150 is only a beginning. Once we take this step, we can build on its achievements, confident in the knowledge that the quest for learning is the fight for our future.

EDUCATION GOALS 2000 AND THE ENVIRONMENT

Mr. BAUCUS. Mr. President, I rise today in support of the Goals 2000 legislation because it is important to the effort of preserving our natural resources and environment. A strong educational system has many ripple effects—even on the environment. Environmental leaders have universally urged that the educational system be strengthened. In this way, the citizens of this country will have the knowledge and understanding to grapple with today's more complex and subtle environmental challenges.

Russell Train, a former EPA administrator and the current chairman of the World Wildlife Fund, articulated the goal of environmental education in his report entitled "Choosing a Sustainable Future" published last year. He called for an American with an environmentally literate citizenry that has the knowledge, skills and ethical values to achieve sustainable development. I could not agree more that literacy is key to preserving our environment as well as our economy and our way of life.

Unfortunately, with respect to educating the public and our children about the environment, we still have a long way to go. Last year the Environment and Public Works Committee held a series of hearings to take stock of our environmental policies. During those hearings, we heard repeatedly that environmental literacy is now in the United States.

Thomas Jorling, who heads the New York Department of Environmental Conservation, provided the committee with a gripping example of the need for greater environmental education. He told the story of one polluted site in his State in which a very advanced treatment system was rejected by the local citizens because of its technical complexity. Jorling chalked up this environmental defeat to the lack of people conversant in chemistry and physics.

So, the result of this environmental illiteracy is that sometimes fear and misinformation drive decisions regarding environmental actions and priorities. We cannot allow that to happen. Too much is at stake—both in terms of the cost of environmental regulation and in terms of the risks to human health and the environment. We can require cost-benefit analysis in environmental policy-making. But it won't make a bit of difference if the public does not truly understand the risk and costs involved. We must be able to communicate these things to the public, and they must be able to make informed choices about what is best for their communities and this country.

The goal of improving education in this country cannot end with this legislation. I plan to hold a hearing on the subject of environmental education later this year. I hope that we can focus more attention on the need to build environmental education into science and geography curriculum standards. And there is a great need to educate adults, as well as our children, about the environment.

The Goals 2000 legislation is a good starting point. Environmental literacy is woven into some of the goals, and that is good for the environment. It will ensure that students are prepared for responsible citizenship, further learning, and productive employment in our Nation's economy. The legislation also calls for U.S. students to be first in the world in math and science. That is critical to the U.S.'s ability to compete in the global economy. Nowhere is this more true than in the burgeoning envirotech industry. Without smart and capable young scientists and engineers the growth of envirotech business, and therefore the U.S. economy, will be stunted. So I plan to vote for this bill because I care about education and because I care about the environment. I urge my colleagues to do the same.

Mr. HARKIN. Mr. President, the Sixth National Education Goal states that by the year 2000 every school in the United States will be free of drugs and violence and will offer a disciplined environment conducive to learning. The Safe Schools Act will provide funds to local education agencies to reduce violence in schools and make this important goal a reality. I rise to offer my strong support for this legislation. The Appropriations Subcommittee I chair provided $20 million in funds for this program for fiscal year 1994. However, expenditure of those funds is contingent on this authorization.

There has been a rash of violence by youth sweeping our Nation and no community or school is immune. In my home State of Iowa, juvenile crime is on the rise and many people are frightened. Beginning in the mid-1980's an increasing number of Iowa juveniles have been charged with murder, rape, aggravated assault, and kidnaping. While the juvenile population declined by 26 percent during the past decade, violent crime committed by this group has in-

creased 27 percent. This is a crisis and we must take immediate action to deal with this serious problem.

Many of us have difficulty understanding what is happening. I am shocked every time I hear about a young person settling an argument with a weapon. Don Conway, the chief juvenile officer in Sioux City said this in a recent article in the Des Moines Register on violence by youth in Iowa. He said:

It's coldblooded, without any remorse. "Bang, bang, you're dead." I mean, it's scary what these kids are doing these days.

I would like to thank the chairman of the Education Subcommittee, Senator PELL, and the lead sponsor of the legislation, Senator DODD, for accommodating concerns I raised about the limitation that only schools eligible for chapter 1 concentration grants could apply for these funds. I think we reached a reasonable compromise by giving these schools a priority, but allowing any school that can show need to apply for these grants.

This bill will help some of our most troubled schools come to terms with youth violence. It sends the important message that we are not going to tolerate violence in our Nation's schools. The very least we can give our children is a safe learning environment.

In September, the Des Moines Register published an excellent four part series on juvenile crime in Iowa. As I mentioned earlier, the number of violent crimes committed by youth is on the rise in Iowa. The articles dramatically show the pervasiveness and seriousness of this problem which touches communities in all corners of my State. Mr. President, I ask unanimous consent that these articles be printed in the RECORD at the conclusion of my statement.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

A CHILLING WAVE OF TEEN BRUTALITY

IOWA JUVENILE CRIME ON THE RISE

On a freezing early morning in February, a day when emergency calls would flood the Sioux City police switchboard, Tonya Rubottom attempted to help her friend push his car, stuck hopelessly in the snow.

Two people walked up to the car in an alley and helped push it free. In a city full of disabled cars, the help was a turn of good luck. Or so it seemed.

To show his gratitude, Rubottom's friend invited the good Samaritans to his apartment for a few drinks. Within hours, police reports say, Rubottom, 16, was raped and strangled at the apartment.

Charged with first-degree murder is Carlos Medina of Sioux City, who had helped push the car. He is 16 years old.

If police are correct that the teen-ager was involved, the death of Tanya Rubottom becomes another footnote to a troubling story: More Iowa teens are participating in violent crimes. Many are picking up guns, knives, ropes and bricks and killing people, often with no provocation.

Unlike some other states facing a growing problem with violent juvenile crime, Iowa's litany of violence occurs as the state's juvenile population plummets.

Dan Conway, chief juvenile officer in Sioux City, says: "It's cold-blooded, without any remorse. 'Bang, bang, you're dead' stuff. I mean, it's scary what these kids are doing these days."

Some recent examples are chilling.

In 1992, Bryant Cook, then 16, took a .22-caliber rifle off the wall of the small house near Woodburn where he was living with his father, leveled the weapon near his father's head and pulled the trigger, investigators said.

Daniel Cook, 37, died instantly. His body was taken to the basement and left there for days until a relative found it.

The teen-ager pleaded guilty of second-degree murder.

"We don't know exactly what triggered him," says Clarke County Attorney Gary Kimes. Bryant had no criminal record. Records show that before the shooting he had told friends, "I wish my dad were dead."

Also last year, 18-year-old John Allan Holmes was found guilty of killing Luann Simms, 39, in her apartment in West Burlington. Her head had been battered seven times with a brick.

Police Chief George Rinker says Holmes entered her apartment looking for money. "He told a number of friends that she looked like a girl he had dated, so he beat her until she didn't look like her anymore," Rinker says.

"I don't believe he had to kill her. There was no indication he was forced to kill her," the chief says.

Holmes, who just three weeks before Simms was slain had been released from the State Training School at Eldora when he turned 18, is now serving a life sentence without parole.

TOLD FRIENDS

Rinker adds, "What really alarms me is that she was killed on the 13th of June, and by the first part of July, he told seven of his close friends that he did this murder. None of those people came forward."

The random nature of these vicious acts puzzles police and juvenile authorities.

Even some of the juveniles caught up in the events have been unprepared for the violence.

"It's crazy," says Clyde Edwards, who has begun serving a 50-year sentence for second-degree murder. "I'm 15 years old. I never thought I would be locked up. Six months ago, I was in school playing sports."

In Davenport in April, Edwards fired the handgun that killed Lawrence Brown during a neighborhood argument. He is now at the Oakdale prison to begin a long sentence.

Dressed in a blue prison jumpsuit, Edwards looks no older than some of the children visiting other inmates. He recently discussed his future while sitting at a table in a meeting room.

"They think a bit like Al Capone," Edwards says of his "associates" outside.

"They like drive-by shootings, like in the movies. They want to be cool. They want to be noticed. They want to get themselves noticed by doing something big so people can have something to talk about and say, 'Oh, that's that dude who did that.'"

To be sure, the number of slayings by Iowa teen-agers is only a sliver of teen-age crime.

For instance, in 1990 alone, more than 7,700 juveniles were arrested for crimes from car theft to murder. During the 1990s, an examination of several sources—police reports, court records, newspaper clippings—shows 27 juveniles have been taken into custody on homicide charges.

What troubles authorities is that even though changes in the way the state compiles crime statistics prevent precise comparisons, the homicides appear to be occurring at a record pace.

Compared with official records of previous periods, the number of teen-agers accused of murder in the 1990s is unmatched. Notably, many of the killings have been in rural corners of the state, in villages like Derby, population 135, and Woodburn, 240.

In fact, one-third of the juvenile homicide arrests during the 1990s have been in communities with fewer than 5,000 people. One in four juveniles sent to prison in 1992 was from a rural county, Department of Corrections figures show.

ESCALATION OF VIOLENCE

The statistics underscore some gloomy developments: Several of the alleged killers are barely into their teens, some as young as 14. The homicides have sprung from a disturbing escalation of violence among the young.

Historically, Iowa's teen-agers rarely went to jail for anything more than stealing or other crimes against property. Beginning in the mid-1980s, more teens began being charged with murder, rape, aggravated assault, kidnapping—brutal crimes against people.

Juvenile crime against property fell 26 percent in the past decade. Vicious "personal" crimes, including rape and aggravated assault, jumped 27 percent. The switch took place while the state's juvenile population fell 26 percent.

Some of the killings have been linked by police to gang and drug activity. But the influence of gangs has surfaced in only a few of the state's larger cities. Overwhelmingly, authorities say, the violent acts have been solo encounters with no hint of gang involvement.

The numbers also show that more Iowa teen-agers are being slain.

Of the three major types of teen-age violent deaths—suicides, traffic accidents, homicides—only homicide has increased in the past decade.

The Child and Family Policy Center in Des Moines says the rate of teen-age homicide deaths more than doubled, to six per 100,000, in the 1980s, while the rate of traffic deaths fell and suicides stabilized.

"Homicides stick out," says Mike Crawford, director of data management for the center. "More children are exposed to violence not only on television and in the movies, but in their daily lives and in their homes and neighborhoods."

There would likely be more deaths and more murder charges, suggests Polk County Attorney John Sarcone, had it not been for improved skills aboard rescue ambulances and inside hospital emergency rooms. New techniques have saved many victims who faced certain deaths only a few years ago, he says.

The recent growth in slayings is in sharp contrast to Iowa's touted low-crime, low-stress image, a picture of health the state projects well beyond its borders. In many ways, it's a reputation well deserved.

As far back as numbers go, the state has been near the bottom of the nation's crime summaries. In 1990, Iowa was ranked 49th in its murder rate, tied with New Hampshire. It was 49th in rapes, 41st in robberies and 40th in overall violent crimes.

Zero Population Growth, a Washington, D.C.-based organization, recently listed three Iowa metropolitan areas—Cedar Rapids, Omaha-Council Bluffs, Des Moines—among its 50 best places to raise a family.

It isn't likely that Iowa will go higher in the nation's crime summaries. But the wide gap that once distinguished it so much from other places has begun to narrow.

For example, the rate of forcible rape among the nation's juveniles was seven times greater than Iowa's rate in 1980. By 1990, the difference was five times greater.

There were 15 rapes by Iowa juveniles in all of 1980, or a rate of 1.5 per 100,000 juvenile population, state reports show. By 1990, the figures more than doubled to 32 rapes, and a rate of 4.5 per 100,000.

FROM FISTS TO GUNS

District Judge George Stigler of Waterloo added his concern at a recent Iowa State University symposium.

"When you were in school and had a fight, you might meet in a parking lot and punch the guy in the nose once or twice," said the Waterloo judge. "It wasn't an enjoyable event, but at the very least you could go home and clean up.

"Nobody does that any more," Stigler told the hushed audience. "If you insult a kid, he will come up with a knife or a gun or God only knows what. His intent will not be to hurt you, but to kill you or give you very serious or lasting injury. Violence is the way of dealing with differences now."

The new violence has prodded Polk County Attorney Sarcone to boost efforts to put juveniles away for a long time. In three years, Sarcone's get-tough policy has resulted in four times the number of juveniles "waived" for trial in adult court, where longer sentences await them.

State law says that anyone under 18 and as young as 14 can be tried as an adult if a judge agrees. If the young defendant avoids adult court and is declared a delinquent, he or she must go free at age 18.

Says Sarcone, "What's most alarming about this is that many kids believe that you can't do anything to them until they are 18. They think they're going to be taken home and have their wrists slapped.

"We've sent the message that people who commit forcible felonies are not going to be tolerated," he says "What they have done to the victim is wrong. They know better. They're not going to hide behind the fact that they're only 16 or 17."

ARMED AND DANGEROUS—MANY CULPRITS BEHIND TEEN VIOLENCE

(By Frank Santiago)

After a defenseless, elderly Dubuque woman was fatally stabbed in her home, police asked a 15-year-old suspect why he did it. "Well, she got in my way," the youth replied.

That answer, says psychiatrist Greg Roberts who analyzed the boy's reactions for police, was chilling because of its "raw sense of human nature."

"In the past you'd hear the excuse like, 'I don't know why I did it. I can't imagine myself doing it.' But this guy didn't even have the gumption to tell a story," says Roberts, former director of Sioux City's Grehill Academy for Boys, a treatment center for delinquents.

Why more Iowa teens are killing, and why vicious crimes by teens are escalating have sent Roberts and other experts searching for answers.

To be sure, the violence could be a passing thing, an unsettling blip of history destined to disappear in more uneventful times.

But the numbers are escalating and the message they carry is a bleak one:

Twenty-seven juveniles have been arrested in Iowa for homicide since 1990, including Sean Rhomberg, who was found guilty last fall of first-degree murder for the 1991 Dubuque stabbing.

The aggravated assault rate by teens has tripled in the past decade.

The rape rate has doubled.

So why the violence?

University of Iowa psychology professor John Knutson, an authority on child abuse and aggression, says, "It's not a single behavior and not a single problem and it isn't controlled by a single variable."

Teen violence, say experts who work with children, has a wide range of culprits: The proliferation of guns and drugs; the broken family; widespread violence in the culture and in the media; a lost sense of belonging; the lack of services in rural areas to help teens.

"Iowa? Why not Iowa?" asks Knutson.

Roberts, the psychiatrist, says the intensity of the aggression has been disturbing.

"These kind of things happened in New York City when I was growing up. You wouldn't expect them in Iowa."

LACK REMORSE

Many teen-agers in trouble, Roberts says, lack remorse or a sense of being part of something.

"It is a blatant narcissism where they can only see themselves. They lack bonding with anyone, be it a family or school or society. They have no ability to care for anybody or anything but themselves."

Dan Conway, chief juvenile officer in Sioux City, blames television and movies.

"You wonder if it isn't the violent stuff they see. There are people dying and shooting and blood and gore. There's no way to prove it, but, my God, those things desensitize kids."

John Burns, assistant state appellate defender in Des Moines, agrees.

"It's trite, but you turn on television and you see men who show their masculinity using handguns. Arnold Schwarzenegger and Sylvester Stallone movies are big hits. You can bet 20 to 30 people are killed in these films."

MORE WEAPONS

More guns and more knives add up to more violence, computes West Burlington's Police Chief George Rinker.

"There are a lot more kids who have weapons and who don't hesitate to use them. These kids don't have the experience of life, so to speak, to support good decision-making."

WHY TEEN VIOLENCE IS ON RISE

Louis Wright, psychologist at the State Training School in Eldora, says the aggression is imitating the violence that surrounds teen-agers in and beyond the home.

"It's hard to establish a long-term goal with that student. You ask, "Where are you going to be five years from now?" They'll respond, 'Probably dead.'"

Teen-agers tend to duplicate the abuse they see at home, he says.

Indeed, the breakup of the family gets a good share of the experts' blame.

For instance, more children are growing up in poverty in the state, and more households are headed by single parents, many of them poor families.

Michael Crawford of the Child and Family Policy Center in Des Moines, notes that 14 percent of Iowa's young live in households that have incomes below poverty levels. That's less than the nation's 17.9 percent. But the percentage increase in Iowa in the past decade outpaced the nation's, 21.7 percent to 11.9 percent.

Households headed by a single parent soared 53 percent in the past decade, from 12.9 percent of all families to 19.7 percent. Iowa remains below the nation's average of 22.9 percent of households headed by one parent, but the percentage increase in the decade far outpaced the nation's 22 percent rise.

Poverty and single-parent families—40.2 percent of them in poverty in Iowa during 1990—are suspected breeding grounds for crime, but the extent of the influence isn't clear, Crawford says.

Certainly, he adds, poor youngsters and those with one parent stay out of trouble and grow up to be successful. But the risks are higher.

Polk County Attorney John Sarcone connects the violence to indifferent parents.

"What really bothers me, is there is no teaching of right and wrong coming from home. Parents are too wrapped up in their own lives to care for their own kids," he says.

FOLLOWS ADULT CRIME

Teen crime, says Sgt. Michael Leeper, juvenile services coordinator for the Des Moines Police Department, often follows adult crime.

"If you have a mom and dad who are fighting and there's domestic abuse, the kids will pick up on it," he says.

The teen violence, contends Drake University sociologist Dean Wright, reflects trends that have finally arrived here.

"Beginning early in the 1970s, there was a shift in murder patterns from places like New York that has since spread out across the nation. These were killings of strangers for essentially no reason. Murder has been common among associates, but we're seeing more and more of the random stranger stuff."

NOT SURPRIZED

Drake's Wright isn't surprised the violence has spread to Iowa's smaller communities.

"You have no safety nets, no crisis lines, no counseling in many rural areas. They don't want the services. They are telling the individual to take care of yourself."

The "loss of sense of community"—the isolation of families and individuals from others—has kindled the law-breaking, the experts assert.

"The biggest social mechanism in the past has been the community," Wright says. "It was the community's involvement that made people feel guilty and remorseful when they committed a crime. Now, there is the lack of grounding of people to the community."

TEEN CRIMINALS TELL OF ANGER, MISTRUST

(By Frank Santiago)

At the age of 15, Clyde Edwards, inmate No. 1054271A at the Iowa Medical and Classification Center at Oakdale, is beginning a 50-year sentence for second-degree murder. He isn't happy about a long stay in prison, but he says it may be the safest place for him.

"They are going to come after me," he said of the relatives and friends of a Davenport man he shot dead in April. "I'd rather be locked up right now than be out there to face being killed. I don't want to bring heat on me or my family."

Edwards is one of 14 juveniles—inmates 17 years old or younger—now in the Iowa prison system for serious crimes including first-degree murder.

Teen-age violence in Iowa has been rising sharply. In 1992, 24 juveniles were sent to prison throughout the year, almost double a typical year.

The growing number of teen prisoners raises a number of questions. Who are these youngsters? Why the violence?

If interviews with three of them—all involved in homicides—are an indication, they are brimming with anger and a mistrust of friends. They blame others for their circumstances and they are wary of what's ahead.

"I don't know if these kids are getting desensitized or what," said assistant Dubuque county attorney Ralph Potter, who prosecuted some of the juveniles. "But a lot of them show no remorse."

Three young inmates, whose names were on a randomly selected list submitted to the Department of Corrections, agreed to discuss their crimes and their lives:

CLYDE EDWARDS

Edwards believes he's a marked person. Barely 150 pounds, this slight, youthful figure in a blue prison jump suit is easily noticed among the inmates, many twice his age.

One day Edwards was in the ninth grade. A few days later he was in jail on a murder charge.

It began during an April evening. Police said gang members were harassing residents of a Davenport neighborhood. Edwards was in the fracas but claims he wasn't part of a gang. He says someone came at him with a knife.

He shot a .25-caliber handgun three times. One shot hit Lawrence Brown in the forehead. Brown died later.

"I didn't even know him," said Edwards, who contends Brown walked into the weapon's path. "I was just in the wrong place at the wrong time."

With earlier minor scrapes with police behind him, and now a long imprisonment ahead, Edwards says he's taking things one day at a time.

"You don't think about the future. You think about it day by day. After this day is over with, you go on to the next day. I don't know if I'm going to be living that long but that's just the way I think."

On the outside, his friends, he says, were fascinated with power and money.

"They say, 'I want to be like you. You got gold. You got money. You got a woman. You got a car.'"

But he rarely uses the word "friend" to describe those he hung around with. He prefers "associate."

"You don't trust anybody except yourself. Soon as you get into trouble your friends go with another crowd and talk behind your back. You're there by yourself."

Edwards says it isn't easy to be 15 in Davenport these days.

"Times are hard. You have to watch yourself. It ain't like the old days when you could walk down the street at night. Now you got to watch your back. People come to you and beat you up just for the fun of it.

"I'm going to get my education in prison. I don't want to make $4.65 an hour minimum wage when I get out. I want to make at least $7 or $8 an hour."

JAMMI REINIER

On March 24, 1990, David Conley Scott, 32, a Des Moines convenience-store clerk, was beaten to death with a hammer. Jammi Reinier, raised on Des Moines' east side and a member of the "Young and Wasted" gang, pleaded guilty to second-degree murder and was sentenced to 50 years. A friend who wielded the hammer was convicted of first-degree murder. Reinier scooped up the cash, which he estimates was less than $100.

"It was money to party with," he said.

Now 19, Reinier is an inmate at the State Men's Reformatory at Anamosa. He is soft-spoken and has long, blond hair that reaches his shoulders.

"I've missed out on life—period," said Reinier, who was 15 years old when arrested. "I haven't gone to parties, graduated high school or gone to a prom. I'll never be able to tell anybody what it felt like because I wasn't part of it."

He dropped out of school when he was in seventh grade.

"I was bored like a lot of my friends. They could sleep in and watch television. They had freedom. Being in school you had to get up every morning and stay in school all day. I wanted to be like everybody else."

Reinier says he thinks about the robbery a lot. "We were all drinking that day," he said.

He says street gangs have gotten more violent and more racist, situations he insists didn't exist when he belonged.

"Everybody in the gang had money. They always had a place. We'd party but nothing like what I read about today."

At Anamosa, he shares a 6-foot by 9-foot cell with a man much older than he.

"I really don't announce what I'm here for. It's my own business. I'm not proud of what I did. People don't ask. They mind their business here."

"The young kids seem a little more rowdy. The older inmates just basically want to do their time and settle down. Everybody has their own pals and they hang out with them. It's like you have to pick a crowd that ain't going to get you into trouble."

He is studying landscaping and working toward a high school diploma. "Time passes fast. It seems like a year ago I was on the streets. I'm approaching four years here. My life is just flying by."

GABRIEL HUDSON

Gabriel Hudson called Mason City police at about 6 p.m. on Dec. 1, 1988, to report he had just shot his brother in the head while his brother was washing dishes.

"He talked about his brother calling him names and that he got mad at him and he is laying on the kitchen floor," a police report said.

Hudson was 12 years old at the time. He has been in institutions since.

Now 16, he is an inmate at Anamosa serving a 75-year sentence for kidnapping and attempted murder. The charges are from an attempted break-out at the Grehill Academy, a locked residential home for delinquent boys in Sioux City.

Reports say Hudson beat a female worker with a bar to get her keys.

"Me and another resident were having a lot of problems. One of the consequences were we had to write a 1,000-word essay. We decided we didn't want to put up with that. I wanted to get out."

The plan was to take the keys from the woman. But, Hudson says, the accomplice got cold feet.

Hudson exhibits no remorse about his actions. "I don't want to become another person. I want to be different. I like being a criminal. It's interesting," he said with a slight smile, looking through his heavy-framed glasses.

He claims he has no friends, only "buddies."

"I don't trust people. Nobody is ever for you. There's always something to break the trust."

He thinks about the attempted Grehill break-out but the thoughts aren't about the victim.

"I think about the situation, what I did wrong. How come I didn't escape?"

STEERING YOUTHS HEADED FOR CRIME TO STRAIGHTER PATH

(By Frank Santiago)

A look at efforts to redirect the course of wayward youths wraps up an examination of teen crime.

It's late in the afternoon and Jason Davis is uneasy and showing the effects of being grilled for more than an hour.

Across the table at the Mediation Center at 1200 University Ave. sit David and Diane, whose Sears credit card was stolen. Jason, who is 19 and an East High School dropout, faces them. He's relating how he used the credit card to buy $200 worth of blue jeans and shoes.

"You know what?" says Diane with a bit of anger. "I feel you did it on your own."

Jason shakes his head slowly to say "no" but refuses to disclose the young accomplices he claims gave him the card that was in David's wallet in his locked truck.

"I had no idea where the credit card came from," he pleads with David and Diane.

So unfolds another confrontation in the Victim/Offender Reconciliation Program.

By sitting down crime victims and perpetrators to face each other, the Polk County attorney's office, which sponsors the program, hopes to help those who have been hurt and to reduce crime.

It is one of a growing number of efforts by Iowa authorities in the last few years to head off a chilling increase in violence and vicious crime among teen-agers.

In the Polk County program, explains Fred Gay, an assistant county attorney, victims get the rare opportunity to vent their anger at the person who disrupted their lives, either violently or through lesser ways, such as stealing credit cards.

Offenders look straight in the eyes of the people they have victimized. They sweat it out and agree to a plan of restitution.

"Until the sessions, most of the offenders truly didn't give any thought to what impact they had and that they were hurting somebody," says Gay. "They can go through the whole system and never realize that they had hurt someone."

The program is for offenders of all ages but many participants are teen-agers, who agree to see the victims in exchange for a lighter sentence.

Although approaches differ, the Polk County and other Iowa programs have in common their attempt to intercept the teen-agers, defuse their hostilities and show them the right way out.

Most of these programs are too new to measure results. But supporters contend the work is showing some signs of success: Teens who participate often return to school or find a job.

Waterloo has the Second Chance Youthful Offender Program, operated jointly by the juvenile court and state job-training authorities. It is a 16-week program aimed at so-called "high-risk" youths from 14 to 18.

Each week for 1½ hours the teens meet in a group to wrestle with several topics, including controlling anger or applying for a job or staying away from drugs.

"It's kids helping kids," says spokeswoman Jane Patton. "They look more at their own behavior in terms of changing it."

In Davenport, a day-treatment program intervenes to help 12- to 14-year-olds and their families. The teens and families meet each day after school at the Friendly House, an inner-city community center, where they participate in recreation and get counseling.

STABILIZE FAMILIES

A more important part is getting the family situations stabilized," says Pat

Hendrickson, chief juvenile officer. "Sometimes it's as simple as finding housing or as complex as dealing with substance abuse.

"Many of these families are so dysfunctional that they don't know how to have fun together. They've never been to a potluck."

In Cedar Rapids, the "Hands Off" program by juvenile authorities is aimed at youngsters who shoplift.

"Shoplifting seems to be the first crime a lot of kids do," Carol Thompson, chief juvenile officer says.

The offenders attend classes with parents. "We figure the parents have already told them it's wrong to steal. Our focus is that there are consequences to this. You lose your right to privacy, for example. An officer has the right to look in your pockets when you're suspected.

"About 75 percent of the children who participate in these classes don't show up again in our system in the next two years," estimates Thompson.

RARELY OUT OF HAND

Gay says the victim-offender confrontations, moderated by a staff member from the county attorney's office, get emotional but rarely get out of hand. One burglary victim, though, threw a punch at the burglar.

One of the anticipated successes is that the victims "gain relief," he says.

"A Vietnam veteran who was 50 years old related how he went out and bought a gun after a burglary. He said, 'Now I can go home and tell my wife he wasn't an ogre.'

"Even adults have this bogeyman image," Gay says. "When they don't know who did it they create this child-like image of who did do it. When he saw it was this punk, he felt relieved."

But Hendrickson says the programs are only a Band-Aid where major surgery is required.

The root causes of teen violence are numerous and go very deep, she says.

"The best thing that could happen is that every child would be born to a functional family. That's the solution, but how to get there is absolutely beyond me. That's why we have to have a variety of approaches."

One of those may be intervening at a younger age.

"A lot of advocates are saying you should be able to go way back when these youngsters are 5 and 6, when they are first identified in school, and then intervene intensely. Then you might have a shot at success. If you wait until he or she is 14, it can be real hard to turn it around."

Back at the Mediation Center in Des Moines, Jason Davis is telling David and Diane that he got involved in the wrong crowd and wants to turn his life around.

He had been charged with two counts of forgery for signing David's full name—which Jason misspelled—on the Sears sales slips. If he successfully completes the Youthful Offender Pre-Trial Intervention Program, which includes drug rehabilitation and the victim confrontation, Jason would likely get probation. Each of the forgery convictions could have sent him to prison for five years.

It was the loss of the family photographs from the wallet and the fear that "someone out there knew where we lived" that bothered Diane the most.

"They had our address, and I said, 'Oh, my gosh, they know where we live.'"

Did Jason realize the anguish he had brought to the family?

"You should have the right sense to know right from wrong. You're getting off pretty easily and should be charged with forgery," Diane tells him.

He responds, "I don't want to be in trouble. I don't feel too good about myself."

He also contends it would be dishonorable and dangerous to name accomplices. "They would be jumping out of cars . . . shoot at me without a blink of the eye," he says.

Jason eventually agrees to pay about $100 in restitution, most of it to cover the cost of replacing the car's broken window. Sears didn't bill the couple for the items Jason got. He says he turned the items over to a friend.

David tells Jason, "You know you've got to get yourself on the right track?" He also notes that when he was Jason's age he also got into trouble but that his wife had turned his life around.

"I think you're pretty lucky. I wish the best for you," says Diane.

Jason says: "I want to apologize. I know it doesn't mean a lot."

"If you really mean it," David says, "it does."

And they shake hands.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Madam President, was leaders' time reserved?

The PRESIDING OFFICER. It has been reserved.

Mr. DOLE. I ask my comments not interfere in the debate on this particular amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

LIFTING VIETNAM EMBARGO

Mr. DOLE. Madam President, as I understand it, President Clinton will sometime between now and 6 o'clock end the trade embargo on Vietnam today. While we had a vote, a sense of the Senate vote here, and many of my colleagues think this is the right course, I believe it is the wrong decision at the wrong time for the wrong reasons.

If the concern is about American exports to Asia, President Clinton should extend most-favored-nation status to China. When we get to that event in June, maybe make it permanent, maybe make it 2 years or 3 years.

President-elect Clinton said—ironically on Veterans Day, 1992—"There will be no normalization of relations with any nation that is at all suspected of withholding any information." Those suspicions remain among many Americans. It is difficult to square a decision to lift the embargo with the earlier comment and the earlier commitment.

Numerous objective observers believe Vietnam is withholding information and remains that could readily be turned over—if Vietnam had the political will and if the United States had decided to use political leverage. Many believe Vietnam is not being fully forthcoming—but why should they? While going through the motions on POW/MIA's, Vietnam guessed accurately that the administration would give them what they wanted and lift the embargo.

The National League of Families asked the President to wait until they traveled to Vietnam to assess POW/MIA cooperation firsthand. We do not know what they would have found. We do not know what impact it may have had on the President. We do not know because President Clinton could not wait a week or two to end a three decade old embargo. What was the hurry?

Veterans groups—representing millions of Americans who served their country—are united in their opposition to this decision. And according to a poll in December, the American people—some 85 percent of them—are not satisfied with Vietnam's cooperation on prisoners of war and those missing in action.

Earlier this week, the Senate approved my amendment to require the President to report on the POW/MIA issue within 30 days after a decision to ease or end the embargo. It is not much, but at least we will get a report from the President. Maybe he will put some of the families' concerns to rest.

I think he wants to do that. I do not say he does not want to do that. But it seems to me—and I know many of my colleagues who served in Vietnam have a different view. I did not serve in Vietnam, but I suggest that many of the families have concerns. They still have loved ones who are not accounted for.

After stonewalling for years, Vietnam impressed the administration enough to get the embargo lifted. I expect Vietnam will provide more remains and information very soon. And then, the argument will be over most-favored-nation status, and full diplomatic relations. But unless Vietnamese cooperation changes—and maybe this will bring the cooperation we have needed over the last many, many, many years and really have not had it until the last few years—if we do not get more cooperation, I will say I think all of my colleagues, even those who may have supported lifting the embargo, are going to be very slow to respond as far as most-favored-nation status is concerned and full diplomatic relations are concerned. There will be widespread opposition to any further steps.

There may be a right time to lift the embargo against Vietnam, but we have not reached that time yet.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BUMPERS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NUNN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so.

TRIBUTE TO MANFRED WOERNER

Mr. NUNN. Mr. President, I rise today to pay tribute to Manfred Woerner, the Secretary General of the

North Atlantic Treaty Organization. This weekend, on February 5, in Munich, Germany, Manfred Woerner will receive the prestigious Eric M. Warburg Award for achievements in German-American friendship. This award is given annually to distinguished Germans or Americans who have furthered the cause of German-American friendship. American recipients of this award have included Dr. Henry Kissinger and Ambassador Paul Nitze.

Mr. President, many of our colleagues know that Manfred Woerner is a man who has dedicated his life to the security of Germany and to the nations of the NATO alliance. NATO has been the most successful alliance in which the United States has ever taken part. NATO has kept the peace in Europe for over 45 years, one of the longest periods of peace ever enjoyed by that troubled continent. NATO has also been instrumental in bringing to a peaceful end the long and dangerous nuclear confrontation that existed between East and West during the cold war.

Manfred Woerner began his service to Germany in 1961 at the height of the cold war. He held various important positions in the German Government, eventually rising to become Federal Minister of Defense in 1982. These were critical years for Germany, and Manfred Woerner's service and leadership was an important factor in laying the foundation for the eventual reunification of Germany.

Next year we will celebrate the 50th anniversary of the end of World War II. Looking back over the years that have passed since that terrible and costly war, we have seen a new Germany develop in the heart of Europe. In Western Germany we have seen a thriving free economy and democracy develop under leaders like Manfred Woerner. In Eastern Germany we saw a dictatorship which not only enslaved its people, but a government that ruined its economy and despoiled its ecology to a shocking degree unknown in the west.

During those troubled years of the cold war it was leaders with vision like Manfred Woerner who demonstrated to all Germans and to people all over Eastern Europe and the former Soviet Union that the path of freedom in political and economic sectors was the path to follow. Nowhere was the contrast between East and West so clear as it was between the two Germanys.

In 1988 Manfred Woerner became Secretary General of NATO. Under his leadership that great Alliance began the transformation that is still taking place as the alliance adjusts to the realities of the end of the cold war. During Manfred Woerner's tenure as Secretary General the Warsaw Pact has disbanded. Former members of the Warsaw Pact are clamoring to join NATO. The Soviet Union also collapsed during this period bringing on a new era full of promise but also full of new dangers and instabilities. Throughout this period NATO has stood firm as a bulwark against instability and a forum for its members to coordinate their mutual security in the face of such vast changes.

Mr. President, Manfred Woerner's vision and leadership have helped lead the way for the unification of his beloved Germany, kept the NATO alliance strong and effective, and contributed to our own national security. Recently, Manfred underwent serious surgery. I know that all of our colleagues in the Senate join with me in congratulating him on his receipt of the Warburg Award.

His wife will be receiving the award for him. This is an award, as I said, that is for recipients who have promoted German-American friendship and who have strengthened the NATO alliance.

Manfred Woerner is a most worthy recipient, and all of us join in wishing him a rapid and complete recovery from his recent operation.

Madam President, I yield the floor.

EXECUTIVE SESSION

Mr. MITCHELL. Madam President, I ask unanimous consent to proceed to executive session to consider the nomination of William Perry, to be Secretary of Defense; that there be 20 minutes of debate equally divided between the chairman of the Committee on Armed Services, Senator NUNN, and the ranking member, Senator THURMOND, or their designees; that following the conclusion or yielding back of time the nomination be temporarily laid aside and that the vote occur immediately following disposition of the Helms amendment No. 1382; that upon conclusion of the vote on the Perry nomination, the motion to reconsider be tabled; that the President be notified of the Senate's action, and that the Senate return to legislative session.

I further ask unanimous consent that it be in order to request the yeas and nays at this time.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. Madam President, reserving the right to object, and I do not intend to object, I think for the very reason stated by the distinguished chairman we should approve this nomination. I am just wondering whether they have used some of that time. Is that 20 minutes from now or does that count the time that has already been used?

Mr. NUNN. I will not need all of my 10 minutes. I would like to reserve just for the purpose if the other Members on our side want to speak on this nomination. I do not intend to use it all.

Mr. MITCHELL. Madam President, I am prepared to reduce the time to such amount as is agreeable to the chairman and ranking members of the committee.

Mr. DOLE. They probably will not use it all.

Mr. NUNN. We have a vote at 5:40. I will not use any time between now and then, if the Senator from South Carolina would like to use all of his then. I will probably yield my time back and yield some of my time to him if he needs more.

Mr. DOLE. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered. The unanimous consent request is agreed to.

Mr. MITCHELL. Madam President, I now ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

DEPARTMENT OF DEFENSE

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant legislative clerk read the nomination of William J. Perry of California to be the Secretary of Defense.

The Senate proceeded to consider the nomination.

Mr. NUNN. Madam President, I am pleased that the Senate of the United States is considering the nomination of William J. Perry, to be Secretary of Defense. Earlier today the Armed Services Committee voted unanimously to report this nomination to the Senate recommending our approval of the nomination. President Clinton announced his intent to nominate Dr. Perry to be Secretary of Defense on January 24, and the Senate received Dr. Perry's nomination on January 26.

The Armed Services Committee considered Dr. Perry's nomination in the same way we consider all other nominations of this importance. We sent our standard committee questionnaire to Dr. Perry on January 24, the same day the President made his announcement.

The following day, January 25, after consulting with the minority, I sent Dr. Perry a lengthy series of policy questions for his answers to be received in writing prior to the hearing. Dr. Perry returned the committee questionnaire on January 28. He also provided the committee his written responses to the policy questions on the same day, and those responses were provided immediately to all members of the committee.

The committee received the required opinions from the General Counsel of the Defense Department and from the Office of Government Ethics certifying the nominee is in compliance with all applicable laws and regulations regarding conflict of interest.

We also reviewed the report of the FBI background investigation of Dr. Perry. Yesterday, the committee held a public hearing with Dr. Perry. Nineteen of the committee's 22 members attended the hearing, which lasted about 4 hours.

Dr. Perry's testimony was comprehensive from my point of view and, I think, most members'; it was impressive and it was straightforward.

Madam President, the record clearly shows that Bill Perry is highly qualified to serve as Secretary of Defense. He has had distinguished careers in Government service and academia and in the private sector. Dr. Perry has substantial expertise on national security issues and has consistently demonstrated the high standards of personal conduct and integrity.

Last year, he was confirmed by the Senate to serve as Deputy Secretary of Defense, the number two position in the Department of Defense. It is my hope, Madam President, the Senate can act promptly on Dr. Perry's nomination, hopefully today.

Dr. Perry will be delivering a major address on national security policy at the Wehrkunde Conference in Munich, Germany, this weekend. The President's fiscal 1995 budget will be released on Monday of next week, and the Secretary of Defense and the Chairman of the Joint Chiefs of Staff are scheduled to present the fiscal 1995 budget as well as the 5-year defense plan to the Armed Services panel next Tuesday.

Before closing, I wish to acknowledge the tremendous contributions that Secretary Aspin has made to our national security. As Secretary of Defense for the past year, Secretary Aspin established a foundation for the restructuring of our defense establishment through his Bottom-Up Review and made important strides in integrating women more fully into the military services. As a member of the House Armed Services Committee for 22 years and chairman of that committee for 8 years, Les Aspin was a vigorous leader in the Congress for a strong and effective national defense. I am grateful to Les Aspin for his service to the Nation, and I believe I speak for all of us on the Armed Services Committee in wishing him continued success in whatever he undertakes in the future.

Madam President, Dr. Perry is highly qualified and suited to serve the Nation as Secretary of Defense. He has the strong and unanimous support and endorsement of the Armed Services Committee. I urge all of our colleagues to support his nomination.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Madam President, I am pleased to join the distinguished chairman of the Senate Armed Services Committee, Senator NUNN, in recommending the confirmation of Dr. William Perry to be the 19th Secretary of Defense.

Dr. Perry has a long and distinguished career in the public and private sectors. As the Deputy Secretary of Defense, he was at the forefront of acquisition reform and the modernization of our Armed Forces. As the Secretary of Defense, I believe he will distinguish himself by maintaining our defense interests while streamlining the Department of Defense. In my opinion he will continue to insure a strong and well-trained military and provide for the welfare of the men and women who proudly wear the uniforms of our great Nation.

Madam President, I am optimistic that Dr. Perry's confirmation as Secretary of Defense will begin a new era of consultation and cooperation between the Department of Defense, the White House and the Congress. I look forward to working with him and urge my colleagues, Republican and Democrat, to give him their unanimous support.

I yield to the distinguished Senator from Indiana.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Madam President, Dr. William Perry will, undoubtedly, bring a fine mind and extensive knowledge of the Pentagon and our Nation's military establishment to the job of Secretary of Defense. During his 10 months as Deputy Secretary, he has done an admirable job in running the day-today operation of the Pentagon, and his abilities in the areas of research, analysis, and defense procurement are well known. I will support his nomination as Secretary of Defense, and I certainly wish him success in his new role.

Today's post-cold-war world, however, will require more than technical and administrative excellence. Dr. Perry's considerable abilities will be significantly challenged.

While many believe that domestic agendas and budget shortfalls should now be America's top priorities, the fact remains that the world today is probably less stable than it has been at any other time in the last 45 years.

The pressure to divert already scarce defense dollars to pay for what might seem like more immediate domestic concerns will be great. The temptation to defer to louder or stronger voices may at times be overwhelming. But America's military establishment needs decisive leadership; our military men and women need a strong advocate; and the Nation needs a strategic thinker with America's national security interests at heart.

I truly hope that Dr. Perry is that person to address those important concerns.

As evidenced by Somalia, Bosnia, the former Soviet Republics, Central Europe, the Middle East, and the Korean Peninsula, the world still holds the potential for threats that we may not yet even recognize. At the same time, our allies have every right to expect us to uphold the commitments we have already made.

We must maintain a high level of military readiness. We must, at all cost, take pains to ensure that our haunting memories of the hollow force of the 1970's does not become a painful reality in the 1990's and beyond.

And finally, we must ensure that our policy with regard to homosexuals in the military—a policy that goes to the very heart of our ability to maintain a combat-effective military force—is not undermined by the implementation of regulations that significantly undercut that effectiveness or erode Congress' clear intent in drafting and passing that law.

All of these concerns will be difficult enough to meet without adequate resources, but they will be absolutely impossible to meet without the right leadership. The President's recent rhetoric regarding his commitment to a strong military is somewhat reassuring. Bill Perry is a man with the talent and experience to translate that rhetoric into policy. Whether or not he is backed up by an administration with the determination to accomplish the job remains to be seen.

Madam President, we have heard some reassuring rhetoric from the President recently, particularly in his address to the Congress about his commitment to a strong military. We will need more than rhetoric . We will need a man with the talent and experience to translate that rhetoric into policy. Whether or not he is backed up by an administration, we need someone with the determination to get this job done.

I sincerely hope and trust that Dr. Perry is this individual.

The PRESIDING OFFICER. Who yields time?

Mr. NUNN. Madam President, I yield to the Senator from Michigan 2 minutes.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. I thank my friend from Georgia.

Madam President, Dr. Perry is the right person to run the Department of Defense. He has the experience and he has the temperament. He has a balanced view of the world. He is thoughtful.

Some people have said that he is not charismatic; that you need somebody who is charismatic to run the Pentagon. I disagree. We need somebody who has the experience to change the culture there when it comes to the procurement practices of the Pentagon. We need reform in the way we operate the Pentagon in terms of management and in terms of the way that we buy things. There are billions of dollars to be saved. Dr. Perry said so yesterday.

It seems to me that if we are going to do what we must today, which is meet those future threats—and they are real—and if we are going to give the support to our fighting men and women—and we need to do that—we

must manage our budget a lot better. And we can do that with Dr. Perry as Secretary of Defense.

So I think he does have the vision we need. He surely has the thoughtful approaches that we need. He is totally committed to the security of this country.

I am proud to support him by voting for his confirmation this afternoon.

The PRESIDING OFFICER. Who yields time?

Mr. NUNN. Madam President, does the Senator from South Carolina need any time?

I will be glad to yield the Senator from Virginia 3 minutes.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, I wish to compliment the distinguished chairman of the committee and the ranking member, the senior Senator from South Carolina, for the very swift yet thorough manner of this nomination. It is important that there be continuity in our defense leadership.

I wish to compliment President Clinton in handling a different and a difficult situation in the retirement of Secretary Aspin, for whom we have great respect and gratitude for his service, and the very swift selection of an absolutely well-qualified individual in Dr. Perry.

I have always taken an interest in this particular nomination, having been privileged to serve in the Department under three Secretaries of Defense, and during my tenure in the Senate having worked with five other Secretaries.

Dr. Perry will rank at the very top among the finest of those Secretaries of Defense in the history of the United States.

We saw yesterday in his testimony responses to the most difficult of questions, such as North Korea—complex, unanswerable in many ways. Yet, he went to the very heart of that serious problem consistently and explicitly, and sent a message to this Nation.

Then he shifted to the mundane yet no less important battle of dealing with waste, fraud, and abuse, primarily in the procurement process in the Department of Defense.

The American taxpayer is totally intolerant, totally intolerant of the waste, fraud, and abuse which has plagued that Department no matter how strenuously previous Secretaries have fought that battle. Dr. Perry is imminently qualified to deal with that problem.

Madam President, it is a privilege to have the opportunity to speak on behalf of the nomination of Dr. William J. (Bill) Perry to become the next Secretary of Defense. The unanimous vote for Dr. Perry by the Armed Services Committee says a great deal about this gentleman, and he is a true gentleman, in every sense of the word. This unanimous vote attests to the confidence and trust the members of this committee have in Bill Perry.

I have known Bill Perry for many years and have served with him in many different circumstances and capacities. He has always distinguished himself with the utmost intelligence, reason, and integrity. He has been recognized for a long time by Senators on both sides of the aisle as one of the most knowledgeable and respected authorities on national security issues.

Madam President, I was particularly moved by Dr. Perry's statement before the Armed Services Committee yesterday in his nomination hearing and I ask unanimous consent that his statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY WILLIAM J. PERRY BEFORE THE SENATE ARMED SERVICES COMMITTEE, FEBRUARY 2, 1994

Mr. Chairman and members of the Committee, I am proud to be before you today, and humbled by President Clinton's decision to nominate me as Secretary of Defense.

We welcome the end of the Cold War, but in the past year we have learned to be less sanguine about the benefits we hoped for. Many argued that with the end of the Soviet Empire there would be little need for military forces. The ending of the Cold War has not brought about, as Professor Fukuyama has suggested, "the end of history." History continues to be made every day, in the hills of Bosnia, in the dusty streets of Somalia and in the underground bunkers of North Korea.

In the past year a diverse set of national security problems has demonstrated a critical need for strong, flexible and ready military forces.

Today they are deployed around the globe in a variety of postures—peacekeeping, peacemaking, border monitoring, humanitarian relief, and deterrence through presence. Some troops overseas are in garrisons, some are deployed for training, but more than 80,000 are this day involved in active operations, daily engaged in difficult duties that only they have the skills and training to accomplish.

This past year has reemphasized that old threats can still pose new dangers to peace and security—I refer to the potential for conflict on the Korean Peninsula. The prospect of the rogue regime of North Korea acquiring a nuclear weapons capability to add to their massive conventional forces is emblematic of proliferation problems we face. We are continuing aggressive diplomatic efforts to deal with this nightmare scenario, but the presence of 100,000 US soldiers, sailors, airmen and Marines in the Western Pacific is a major factor in our deterrence planning.

We also have seen that the road to democracy and stability in Russia is going to be rocky and twisted. The emergence of powerful reactionary forces is challenging progress toward the building of democratic institutions and traditions. No national security issue is more important to us and to our children than a stable government in Russia dedicated to democracy.

Of course we cannot control the outcome of events in Russia—only the Russian people can; but we can have a significant positive influence. President Clinton has made assisting Russian democratic reform a top national security priority. And the Department of Defense has played a key role in this effort.

We have initiated actions to facilitate a safe and speedy reduction in nuclear forces. The trilateral nuclear agreement recently signed by Presidents Clinton, Yeltsin and Kravchuk is a concrete result of these actions.

We have initiated actions to assist US businesses in the effort to convert Russian defense enterprises to the production of commercial products.

We have promoted military-to-military contacts at every level. Whatever happens in Russia, the military will continue to be an influential institution, and we want to do what we can to encourage the Russian military to be a force for reform, not an opponent of reform.

And President Clinton's leadership has been instrumental in launching the Partnership for Peace initiative with NATO. The Department will have the key US role in carrying out the practical implementation steps.

All of these efforts are dedicated to supporting the Administration's efforts to integrate Russia with the rest of the world and lock in democratic reforms. These efforts are conditioned on progress. We must stay engaged with our Allies in case the process is reversed, but we must be patient and not be deterred by temporary setbacks.

These are just several examples of the important and diverse missions that the US military is performing and will continue to perform in the post-Cold War era.

All of these missions are occurring in a period of declining defense budgets. The decline is consistent with the reduced threat to the United States and US interests. But it does present us with the difficult problem of managing these assets and forces during the transition.

Historically we have not managed well such budget declines and attendant downsizing. The experiences are well known and well documented. The rapid contraction after World War II gave us forces which were inadequate to the challenge of the onset of the Korean War. The post-Vietnam downsizing gave us the "hollow force" of the mid-70's. This time we must get it right, or we will pay the cost later either in blood or treasure or both.

This is the daunting challenge facing the Secretary of Defense today, and I understand the difficulty of the problems I will face if I am confirmed. I am proud of the confidence shown in me by President Clinton in asking me to undertake the responsibilities of the US Secretary of Defense.

Broadly summarized, I see those responsibilities falling into six areas.

First, the Secretary of Defense has the responsibility to oversee the Joint Staff and the CINCs in their direction of military operations. If I am confirmed as Secretary, I pledge to give first priority to reviewing and assessing war plans and deployment orders, and I pledge to provide the required support to CINCs as they direct our forces in the field.

Second, the Secretary of Defense has the responsibility to ensure readiness through oversight of the services as they equip and train our forces. They are right now, as President Clinton said: "they will remain the best equipped, the best trained, and the best prepared fighting force on the face of the earth."

Third, the Secretary of Defense must be a key member of our national security team.

President Clinton, in his recent summit meetings, demonstrated the vision we need. But the waters are uncharted, and we owe the President our best advice and counsel in planning strategy as we maneuver through the shoals of the post-Cold War era. If confirmed, I pledge to work constructively and with the best of my ability as an active member of that team, fully engaged on all issues of national security significance.

Fourth, the Secretary of Defense is responsible for the military component of our national security strategy. This requires strong relations with the respect for the military leadership so we can make full use of their talents and expertise to get the best ideas and options. Secretary Aspin left us an excellent legacy in his Bottom Up Review. We will build on that excellent base. If confirmed, I pledge to lead a strong team effort, of military and civilians alike, in the Department to prepare the military strategy and options we need.

Fifth, the Secretary of Defense must prepare for approval by the President and congress the annual defense budgets which make difficult resource allocations and program decisions. If confirmed, I pledge to work with the military and the Congress in that effort. But I will not shirk from making the tough choices necessary to ensure we provide the nation with the ready forces necessary to carry out our strategy.

Sixth, the Secretary of Defense must manage resources, particularly during this difficult drawdown period. If confirmed, I pledge to institute innovative management techniques, to vigorously foster acquisition reform and to preserve the necessary industrial base. I also pledge to tell you what help I need from Congress to allow me to fulfill this responsibility.

Finally, Mr. Chairman and members of the committee, I pledge myself to the service of the men and women who today wear the uniform of the United States military, and to those men and women who will wear it in the future.

In the Pentagon, in the stairwell near my office, is a painting of a soldier in church praying with his family, perhaps before a deployment overseas. Below it are inscribed the words from Isaiah: "Whom shall I send and who will go for us?" The men and women in uniform have responded to the nation's call with, "Here am I: Send me." We owe them, I owe them, my best possible effort, and they shall have it.

Thank you very much.

Mr. WARNER. Madam President, Dr. Perry spoke eloquently about the challenges which face our Nation and which he, in particular, will face if he is confirmed by this body as the Secretary of Defense. He also pledged his best possible effort to the men and women in uniform who serve our Nation.

Dr. Perry has demonstrated the highest standards of professionalism and experienced success in positions of great responsibility in both the Government as well as the private sector. His knowledge of Government acquisition is without equal and will continue to be of great value to the Department of Defense as we strive to achieve more and more defense out of each dollar we spend.

I was impressed, by the way Dr. Perry considered the impact on his family prior to accepting the President's nomination to this demanding position. Having met his family, I understand clearly why they would be a factor in his decision-making, but his taking the time to consider the impact of his decision on his family says a great deal about this man.

One of Virginia's greatest statesmen, Thomas Jefferson, once said, "God grant that men of principle shall be our principal men." Bill Perry is such a man.

The President has chosen wisely by sending forward a nominee of such stature and character and I urge my colleagues to vote in favor of his nomination.

Madam President, in closing, I would also like to say a few words about my good friend and colleague, Les Aspin with whom I worked many years on national security issues here in the Congress and during his tenure as the Secretary of Defense. Les Aspin has given greatly and unselfishly of himself to the Nation and has had a great impact on this Nation's military forces and the successful outcome of the cold war. He was also one of the first and most steadfast supporters of President Bush's stand against Iraq in the war in the Persian Gulf.

I am sure that all my colleagues join me in thanking Les for his great service to the Nation and in wishing him success in all his future endeavors. I hope that we will not lose his great expertise in national security issues and that he will continue to contribute in some way to those matters that affect the security of this Nation.

Madam President, I yield the floor.

Mr. THURMOND. Mr. President, I inquire if there are any more Republicans who wish to speak on this nomination. If not that is all we have.

STATEMENT ON THE NOMINATION OF DR. WILLIAM J. PERRY TO BE SECRETARY OF DEFENSE

Mr. SIMPSON. Mr. President, I am very pleased to see that the nomination of Dr. William J. Perry—to be Secretary of Defense—was reported out of the Armed Services Committee by a unanimous vote today. Dr. Perry has been the number two official at the Pentagon for the past year. Prior to his Pentagon experience, he was recognized for his brilliant work in Silicon Valley. Because of his work on the stealth fighter, which we saw so effectively used in the Persian Gulf war, he has been called the father of stealth technology.

At his confirmation hearings this week, he addressed all questions posed to him in a remarkable fashion. During the committee hearing, Secretary-designate Perry talked about the possible tragic quagmire we may yet face in North Korea. He feels that we should use a "carrot and stick" approach in North Korea. I would agree with him, but I feel we should be more coherent than we have been to date.

North Korea must realize that they must conform with international law and the International Atomic Energy Agency's ruling regarding the inspection of nuclear weapons. Unfortunately, this administration has sent mixed signals to North Korea, and I would hope that policy does not continue under William Perry.

I know this man. I met him when he was serving in the Carter administration. I have high personal regard for him. He will do us proud. My wife Ann and I wish him and his fine and capable wife Lee, our very best in their new endeavors for our country.

I urge my colleagues to join me in supporting this nomination.

Mr. KENNEDY. Madam President, I know that in just a few moments the Senate will be voting on Bill Perry to be the Secretary of Defense. I look forward to voting for Bill Perry for that position. Many of us know of the very effective work he has done in the Defense Department a number of years ago and during these recent months as Deputy Secretary of Defense.

All of us who have watched Bill Perry, have been impressed by the contributions he has made to public policy, even when he has not been in the Defense Department—even when he was not serving in any administration. This was true at Stanford University; true at the National Academy of Sciences. He worked as one of our most important and distinguished advisers in the Office of Technology Assessment, at a time when the OTA had become one of the most invaluable institutions available to this Congress in making tough and difficult decisions on matters of technology. His life has been associated with public service, and all of us who know him and who have worked with him know that we are extremely fortunate to have his continued service as the Secretary of Defense.

I applaud the work of a very valued and dear former colleague of mine, Les Aspin, and pay tribute to his very distinguished life and service as a Congressman, as chairman of the Armed Services Committee in the House, and as Secretary of Defense. I look forward to his continued involvement in public policy, and I look forward to voting for Bill Perry.

Mr. BAUCUS. Mr. President, I wish to express my wholehearted support for the nomination of William J. Perry to be the next Secretary of Defense. Mr. Perry's eminent career both with the Government and in the private sector demonstrates that he is the man that the Department of Defense needs at this critical juncture. The country is indeed fortunate that the President of the United States has tapped this very capable man to lead the Defense Department.

Mr. Perry's distinguished career is part of the public record, so I will not reiterate his many accomplishments now. Nevertheless, his career shows an

individual who is highly qualified to manage the needed reductions in the Defense Department while at the same time ensuring that the United States remains capable of defending freedom and protecting democracy around the world. His initiatives to streamline the defense acquisition process, while saving the taxpayers a great deal of money, will cut needless bureaucratic red tape and make the process more responsive to our operational commanders. Furthermore, his understanding of the defense industrial base will ensure that much needed capabilities in the industrial base are retained and that needless duplication is eliminated. We should all be optimistic about the future of the defense establishment while it is in the hands of this very capable individual.

I would like to add that, from my personal experience, I have found Mr. Perry to be very helpful when dealing with the Congress and to be sensitive to local needs. In Livingston, MT, it appeared that a contentious issue was developing over the construction of a tower for a relay node of the Ground Wave Emergency Network. Mr. Perry's personal intervention as the Deputy Secretary of Defense quickly averted any chance for continued controversy, and as a result, the interests of national security and the local community were served equally well. Mr. Perry's sound and sensitive judgment made the difference.

So, Mr. President, I add my strong support in favor of Mr. Perry's nomination to be the next Secretary of Defense. His capable leadership and sound judgment will successfully take the Department through the interesting challenges that lie ahead. I look forward to working with him on the many important defense issues that are in front of us.

Mr. McCAIN. Mr. President, I wish to express my support for the nomination of Dr. William Perry to be Secretary of Defense. During this period of continued uncertainly in the world, it is essential that the Pentagon have a strong and steady voice in the formulation of our national security policy. I hope that his counsel will be taken seriously.

I am very concerned about both the size and the pace of defense reductions. Since 1985, the national defense budget has declined by 34 percent, and if we continue down the track laid out last year by the Clinton administration, we will have reduced real defense spending by 43 percent by 1998. The devastating impact of the planned future cuts will greatly exceed the level of pain experienced by defense industry and the Armed Forces in the drawdown to date.

One of the greatest responsibilities of the Secretary of Defense is to ensure that adequate resources are available to maintain the capability and readiness of our Armed Forces to ensure our security, respond to future crises, and support our international commitments. I seriously question whether this administration's Defense budget is adequate to sustain the force levels required to carry out the stated strategy.

And one of the greatest challenges facing the new Secretary of Defense, regardless of the budget topline, will be to manage the ongoing builddown of our military forces. Some hard decisions are required to ensure that scarce defense dollars are wisely spent.

I am very concerned about the deleterious impact of steadily declining Defense budgets on the All Volunteer Force, on the men and women in uniform, especially minorities, and on military families. The current drawdown of over 400,000 military personnel and another 100,000 civilians has created severe hardships for those involuntarily separated from the force, even though transition benefits are in place. We will need to watch carefully how many service members voluntarily accept transition benefits as we continue to draw down the force, and we may want to consider fine tuning this program if the results are not as beneficial as expected.

In addition, the negative impact on recruiting, as well as morale and unit cohesion in the Active Force, is becoming more serious. These factors, if ignored, will seriously impair our Nation's ability to deal effectively with any future national security threats.

Within this body, I intend to pursue the elimination of unnecessary and wasteful pork-barrel spending and earmarking, which could save as much as $5 or $6 billion every year for important military requirements. And this figure does not even include the cost of the *Seawolf* submarine program—a high-technology boondoggle—which is the largest single pork-barrel item in the Defense budget today. Funds set aside for these programs could instead be used to minimize further end strength cuts and for other validated military requirements. I hope that Dr. Perry will act decisively to propose rescission of unauthorized appropriations and congressionally earmarked funds.

Another place to look for funds that could be better used to fund military requirements is in the defense conversion accounts. I applaud the impetus behind allocating defense funds to convert defense industries to commercially viable enterprises. However, my fears have been realized: Defense conversion has become a slush fund for Congress to earmark dollars for noncompetitive university or institutional grants with little or no benefit for either the military or commercial enterprise. We should look carefully at the Technology Reinvestment Program and other accounts to ensure that the billions of dollars set aside for conversion are used for their intended purpose.

Mr. President, I know that Dr. Perry shares my goal of maintaining a high level of readiness of our much smaller military force. As early as last July, when I asked for information from the Service Chiefs, I found that serious indications of declining readiness had already emerged in many areas. Again, dollars wasted on pork-barrel projects could be spent for training, depot maintenance, spare parts, and other areas where the readiness trends are declining. I look forward to reviewing the fiscal year 1995 budget request with an eye toward rectifying these problems, and I trust Dr. Perry will work with the Congress to ensure that these shortcomings are addressed quickly.

Finally, on the issue of defense industrial base requirements, the Congress anxiously awaits the Department's recommendations on this urgent issue. It has become a popular political tool to claim that any program which may be cut or reduced is somehow vital to the defense industrial base. That claim helped defeat my amendment last year to reassess the Seawolf Program. Industrial base concerns have been invoked for everything from ammunition plants to manufacturers of chemical protective clothing. We need the input of the Department of Defense in order to properly assess these statements. I am confident Dr. Perry will do everything possible to submit the Department's views to Congress as quickly as possible.

Mr. President, I must also note that I intend to pursue with Dr. Perry an area of serious disagreement on a policy matter. I have had the opportunity to review a Brookings publication entitled "A New Concept of Cooperative Security," which Dr. Perry coauthored. To my dismay, this publication appears to set forth a premise which is a matter of some concern to me; namely, that multilateral cooperative engagement is the new strategic imperative which should take precedence over actions based on unilateral national security concerns. In addition, many of the statements made in the paper appear to endorse the establishment of a standing U.S. military force—a prospect with which I strongly disagree. I have not had an opportunity to raise these issues with Dr. Perry, and I hope that he will be able to clarify his views on these matters.

Mr. President, Dr. Perry's qualifications are impressive, and he has an excellent record of public service. I support his nomination and look forward to working with him during a very challenging period for the Pentagon and for U.S. national security overall.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to the consideration of legislative business.

GOALS 2000: EDUCATE AMERICA ACT

The Senate continued with the consideration of the bill.

VOTE ON AMENDMENT NO. 1382, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, the Senate will now vote on amendment No. 1382 offered by the Senator from North Carolina. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Arizona [Mr. MCCAIN], the Senator from Oklahoma [Mr. NICKLES], and the Senator from Alaska [Mr. STEVENS] are necessarily absent.

The PRESIDING OFFICER [Mr. DASCHLE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 75, nays 22, as follows:

[Rollcall Vote No. 22 Leg.]

YEAS—75

Akaka	Domenici	Lugar
Baucus	Dorgan	Mack
Bennett	Durenberger	Mathews
Biden	Exon	McConnell
Bingaman	Faircloth	Mikulski
Bond	Ford	Mitchell
Boren	Gorton	Moseley-Braun
Bradley	Graham	Murkowski
Breaux	Gramm	Nunn
Brown	Grassley	Packwood
Bumpers	Gregg	Pressler
Burns	Hatch	Pryor
Byrd	Heflin	Reid
Campbell	Helms	Robb
Coats	Hollings	Rockefeller
Cochran	Hutchison	Roth
Cohen	Johnston	Sarbanes
Conrad	Kempthorne	Sasser
Coverdell	Kennedy	Shelby
Craig	Kerrey	Simpson
D'Amato	Kerry	Smith
Daschle	Kohl	Thurmond
DeConcini	Lautenberg	Wallop
Dodd	Lieberman	Warner
Dole	Lott	Wofford

NAYS—22

Boxer	Hatfield	Murray
Bryan	Inouye	Pell
Chafee	Jeffords	Riegle
Danforth	Kassebaum	Simon
Feingold	Leahy	Specter
Feinstein	Levin	Wellstone
Glenn	Metzenbaum	
Harkin	Moynihan	

NOT VOTING—3

McCain	Nickles	Stevens

So the amendment (No. 1382), as modified, was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote and move to lay that motion on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The motion to lay on the table was agreed to.

NOMINATION OF WILLIAM J. PERRY, OF CALIFORNIA, TO BE SECRETARY OF DEFENSE

Mr. MITCHELL. Mr. President, the vote about to occur on the Perry nomination will be the last vote today.

The PRESIDING OFFICER. Under the previous order the Senate will now vote on the confirmation of William Perry to be Secretary of Defense.

The question is, Will the Senate advise and consent to the nomination of William J. Perry, of California, to be Secretary of Defense?

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Arizona [Mr. MCCAIN], the Senator from Oklahoma [Mr. NICKLES], and the Senator from Alaska [Mr. STEVENS] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 23 Ex.]

YEAS—97

Akaka	Faircloth	Mathews
Baucus	Feingold	McConnell
Bennett	Feinstein	Metzenbaum
Biden	Ford	Mikulski
Bingaman	Glenn	Mitchell
Bond	Gorton	Moseley-Braun
Boren	Graham	Moynihan
Boxer	Gramm	Murkowski
Bradley	Grassley	Murray
Breaux	Gregg	Nunn
Brown	Harkin	Packwood
Bryan	Hatch	Pell
Bumpers	Hatfield	Pressler
Burns	Heflin	Pryor
Byrd	Helms	Reid
Campbell	Hollings	Riegle
Chafee	Hutchison	Robb
Coats	Inouye	Rockefeller
Cochran	Jeffords	Roth
Cohen	Johnston	Sarbanes
Conrad	Kassebaum	Sasser
Coverdell	Kempthorne	Shelby
Craig	Kennedy	Simon
D'Amato	Kerrey	Simpson
Danforth	Kerry	Smith
Daschle	Kohl	Specter
DeConcini	Lautenberg	Thurmond
Dodd	Leahy	Wallop
Dole	Levin	Warner
Domenici	Lieberman	Wellstone
Dorgan	Lott	Wofford
Durenberger	Lugar	
Exon	Mack	

NOT VOTING—3

McCain	Nickles	Stevens

So the nomination was confirmed.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

GOALS 2000: EDUCATE AMERICA ACT

The Senate continued with the consideration of the bill.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania

AMENDMENT NO. 1384

(Purpose: To encourage local educational agencies and schools to enter into a contract with a private management organization for the reform of schools)

Mr. SPECTER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for himself and Mr. DOLE, proposes as amendment number 1384.

Mr. SPECTER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 66, line 23, strike "; and" and insert a semicolon.

On page 67, line 2, strike the period and insert "; and".

On page 67, between lines 2 and 3, insert the following:

(15) quality education management services are being utilized by local educational agencies and schools through contractual agreements between local educational agencies or schools and such businesses.

On page 90, line 10, strike "and".

On page 90, between lines 10 and 11, insert the following:

(I) supporting activities relating to the planning of, start-up costs associated with, and evaluation of, projects under which local educational agencies or schools contract with private management organizations to reform a school;

On page 90, line 11, strike "(I)" and insert "(J)".

Mr. SPECTER. Mr. President, in consultation with the managers of the bill, I had arranged to submit this amendment next and will not take a great deal of the Senate's time because it has been agreed to by both managers. I consider this to be a very important amendment, Mr. President. I am sure all my colleagues will want to hear the details of this amendment.

This amendment provides for the private administration of public schools. It may turn out to be a very important experiment which could materially improve the educational system in the United States.

More accurately, and with some elaboration, it provides that funding under this bill may be allocated by local school boards, at their own discretion, to hire private management organizations to administer the operation of their schools.

This is an idea which has been gaining currency in the United States with a company known as Education Alternatives, Inc., which has established contracts for the private administration of schools in Baltimore, MD, Minnesota, Arizona, and Florida.

The activities of Education Alternatives, Inc., in some 9 schools in the city of Baltimore is most impressive. The Appropriations Subcommittee on

Labor, Health, and Human Services and Education, held a hearing on January 25 and heard extensive testimony on this subject. Those offering testimony at the hearing included the superintendent of schools for the city of Baltimore, Mr. Walter G. Amprey, and the chief executive officer of Education Alternatives, Inc. Mr. John T. Golle, who testified about their experience with the nine Baltimore schools. On the surface, this testimony was very impressive.

On a dissenting note, Ms. Bella Rosenberg, assistant to the president of the American Federation of Teachers, did offer a challenge to this testimony calling for an objective evaluation of what has happened in the Baltimore schools. However, based on the testimony of the superintendent of schools and the chief executive officer of Education Alternatives, Inc., the early results have shown substantial promise.

An important thing to note on this amendment is the fact that it is not mandated, it is not Federal policy. Instead, it is only an alternative which the school administrators may consider when they receive funding under this legislation.

Mr. President, the issue of public administration received quite a boost, at least publicly, when the president of Yale University, Dr. Benno C. Schmidt, left that prestigious position to take a position with the Edison Project. When I noticed that Benno Schmidt had undertaken this type of activity, I sought a meeting with him, and after some considerable discussion was very much impressed with the undertaking.

When I first heard about administration of public schools for profit, it, frankly, was somewhat surprising, and very unusual. But after careful consideration, it seemed to me that if the private administration of public schools could attract people of the caliber of Benno Schmidt, and we could have the advantage of his insights, his initiative, and his experience, it was certainly an idea worth pursuing.

In addition to Dr. Schmidt, Mr. Golle, Mr. Amprey, and Ms. Rosenberg, we also heard testimony from the superintendent of the schools of Washington, DC, Dr. Franklin L. Smith, who testified about the deep interest of Washington, DC officials in experimenting with this program.

We also heard testimony from Mrs. Patricia Parham, with experience in Dade County schools in Miami, FL, from Mr. Dennis Doyle of the Hudson Institute, who testified that it was a matter worth experimenting, and from Mr. Thomas Payzant, Assistant Secretary for the Department of Education.

The bulk of their testimony was to the effect that private management is something which should be looked at closely.

That, Mr. President, is the essence of the amendment. We will, however, have to have further tests, in greater detail, to see precisely how it is working. But with this bill in the Senate it seemed to me this was a good opportunity to include private management as an alternative which school boards may explore with the funding provided in this bill. It is for those reasons I have offered the amendment and have sought the agreement of the managers of the bill.

Mr. President, I believe that widespread public concern about the inadequacy of our education system demands that we test any and all promising avenues for school reform. The challenge is to find new and better ways to teach our Nation's 43 million schoolchildren. This takes new and innovative ideas. It also means finding new approaches to free up teachers and school administrators from noninstructional duties, allowing them to devote more time and resources to the task of educating our children. As a member of the U.S. Senate subcommittee that last year appropriated more than $28.7 billion for education programs, I take this challenge seriously. That is why I recently called a Senate hearing to learn more about an idea now being tested by a handful of school districts—contracting with private firms to manage some facets of public school education.

The past few years have seen the emergence of a number of private firms offering to assume certain aspects of school operations, including day-to-day administration, teacher training, and other noninstructional activities. Typically, these companies will manage the school for the same average cost, about $5,900 per pupil, incurred by public schools. Initially, the companies invest their own capital in securing and upgrading the learning environment by repairing and modernizing the school building, and installing state-of-the-art computers. After that initial investment, the onus is on the companies to reduce school operating costs while maintaining quality educational results. A portion of the money saved through management efficiencies is reinvested in the school. Since the remaining allocation is profit to the management firm and there is a presence of competing firms, the incentive for accountability is likely to be greater than that of our present system of monopoly.

Among those at the hearing were school superintendents, union representatives, education policy experts, and the heads of two private management firms. Each lent his or her own unique perspective on the idea.

Former Yale President Benno Schmidt explained the Edison Project's school design which calls for a longer schoolday and year, a student teacher ratio of 17 to 1, and innovative teaching ideas to foster long-term sustainable relationships between teachers and students, and teachers and parents, by having students taught by the same teacher for a period of 3 to 4 years. But Mr. Schmidt also talked of strict accountability—accountability that is different from the current school systems and that is—if the private firms fail to deliver and do not improve educational services to students, then they will be fired.

John D. Golle, CEO of Education Alternatives, Inc. [EAI], the firm currently managing schools in Maryland, Minnesota, Arizona, and Florida, told the committee that companies like his aim to do for public schools what Federal Express and the United Parcel Service did for the U.S. Postal Service—they introduced competition, and made mail service in the United States the best in the world.

In Baltimore, where nine schools are being run by EAI, preliminary results are encouraging. Student test scores are beginning to show improvement, absenteeism is on the decline, and school facilities are gradually being transformed. Baltimore City Superintendent Dr. Walter Amprey reported seeing an increased level of parental involvement and greater interest in computerized instruction. Perhaps most importantly, Dr. Amprey views the link between public education and business as a way to untie the hands of educators and at the same time instill accountability in our education system.

D.C. School Superintendent Franklin Smith, also testified concerning preliminary plans to turn over a portion of the District's schools to a private firm. Smith views private firms as a way of avoiding the slow-moving school bureaucracy and quickly pumping money into schools for facility improvements.

Bella Rosenberg, assistant to the president of the American Federation of Teachers told the committee that the AFT has been "willing to entertain any idea, within the bounds of mortality, to reinvent our public schools and to make them first and foremost more effective and more efficient." She also stated that the federation was not opposed in principle to a role for private management companies in public education. However, she expressed reservations regarding the results these management companies could produce in education in terms of effectiveness or efficiency.

When I first thought of the concept of schools for profit, I found it different, if not disquieting. And then, after careful consideration, I said, "Why not?" I think we ought to be looking at every alternative we can find, which offers any prospect for improving our educational system in this country.

I am not the only one considering this alternative. During his State of

the Union Address, President Clinton endorsed the idea of private school management companies when discussing the Goals 2000 legislation. He talked of "empowering individual school districts to experiment with ideas like chartering their schools to be run by private corporations."

Accordingly, I am offering an amendment to the pending legislation to ensure that private management companies will have an opportunity to form partnerships with public schools and give school administrators an option though the use of funds awarded to them by the Federal Government. My amendment would not require, but allow funds under this legislation to be used to support activities for planning, startup costs, and evaluations for school systems that wish to contract with private management companies.

Although this amendment addresses only one possible method of reforming our schools, I believe that it merits a thorough review process. I urge my colleagues to support this amendment to ensure the most efficient and accountable educational system for today's students, and to provide the next generation with the most promising opportunities to learn.

The PRESIDING OFFICER. Is there further debate?

Mr. KENNEDY. Mr. President, just very briefly, we urge the Senate to accept this amendment. It is supported by the administration. I believe there was this kind of flexibility in the legislation initially. This makes it more explicit, and we support the amendment.

Mr. JEFFORDS. Mr. President, I also want to join in commending the Senator for his amendment, and I know of no objection on this side. I think it is an excellent addition to the bill.

The PRESIDING OFFICER. If there is no further debate—

Mr. SPECTER. Mr. President, I ask unanimous consent that Senator DOLE be listed as an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. One further comment is in order, Mr. President. That is that a commendatory reference was included in the President's State of the Union speech, as Senator KENNEDY has stated. There is support by the administration, by the President himself in that speech.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment offered by the Senator from Pennsylvania.

The amendment (No. 1384) was agreed to.

Mr. SPECTER. Mr. President, I move to reconsider the vote.

Mr. DODD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I ask unanimous consent that I be allowed to proceed as if in morning business for 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

INSURANCE SALES ACTIVITIES BY BANKS

Mr. DODD. Mr. President, as many of my colleagues know, I have been for many years concerned about the sale of insurance products by our Nation's banks. Over the past 2 years, banks have dramatically expanded their insurance sales activities. This has occurred not as a result of sound policy choices made by the Congress but, rather, as a result of creative legal interpretations by Federal bank regulatory agencies.

As a result of these interpretations, we have reached, in my view, the absurd point where we now have financial regulation by loophole. I believe Congress ought to put a halt to the further creation by the regulators of what has become a hodgepodge banking system. We ought to provide sound, coherent and consistent policy on the sale of insurance products by banks. Congress must meet the challenge posed by the D.C. Circuit court last July by enacting legislation clarifying congressional intent on insurance powers of national banks.

For several months, Mr. President, I have been working with a number of banks, insurance agents groups, and insurance companies to craft a reasonable amendment to deal with banks' sales of insurance.

Unfortunately, it has become apparent to this Senator that while I could possibly get such an amendment through the Banking Committee, I do not think such an amendment has enough horsepower or interest to move beyond the committee.

More importantly, it is also apparent that we have reached an ideal time to pass legislation which is enormously critical to me and to the long-term health of our banking system, and that is interstate banking legislation.

Today the House Subcommittee on Financial Institutions Supervision, Regulation and Deposit Insurance approved interstate banking and branching by unanimous vote of 29 to nothing. As the Senate sponsor of interstate legislation and a strong, consistent advocate of branching efforts, I am very pleased that this important legislation has moved one step further to enactment.

While I continue to support legislation to rationalize bank sales of insurance, I do not want to hold up interstate branching legislation. Therefore, Mr. President, I am announcing today I will drop my efforts to link legislation affecting the insurance powers of national banks to interstate legislation. I do not want to compromise interstate legislation by linking these two issues, which I think would defeat or severely slow down the full branching legislation.

Therefore, when we have a markup on the 23d of this month in the Banking Committee on interstate banking, I will not be offering that insurance amendment, nor will I offer it during floor consideration of interstate.

Full interstate branching is needed to streamline administration, improve bank efficiencies, ease regional economic slumps, boost consumer conveniences, ameliorate the impact of future credit crunches, and enhance the safety and soundness of the banking industry.

Let us move forward and get an interstate bill ready for the President's signature by Memorial Day.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The majority leader.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nevada [Mr. REID] is recognized.

AMERICA'S HEALTH CARE IN CRISIS

Mr. REID. Thank you, Mr. President.

This past Friday, I was honored to welcome and host First Lady Hillary Rodham Clinton at a health care forum for Nevada's health care professionals and providers in Las Vegas.

The purpose of the forum was to educate providers about the President's bill and to address the specific concerns about health care reform. The First Lady in Las Vegas last Friday outlined the President's Health Security Act and the health care benefits that will be afforded all Americans under this plan.

Most importantly, Mr. President, Mrs. Clinton devoted more than an hour to answering specific questions from the provider audience. The audience was made up of physicians, hospital administrators, State officials, rural health providers, nurses, representatives from our medical school, and Nevada's nursing schools.

It was not necessary to include the general public in this forum or in these discussions because the citizens of Nevada know that there is a health care crisis in existence today. They live with it every day. It is an issue that affects the financial, emotional, and physical stability of Nevadans and every American.

We thought it was important to have the health care providers share their

questions and their concerns with the First Lady and help them understand how the American public and the people in Nevada feel about this crisis.

We have all often described the health care crisis in statistical terms. There are upwards of 40 million Americans uninsured, many millions more that are underinsured. Every month, 2 million people lose their health coverage. Health care costs are approaching $900 billion a year. And this year, Mr. President, health care costs will go up over $100 billion.

So the total health care costs of this country after this year will be near $1 trillion. Even though health care costs will go up over $100 billion this year, our health care will not be any better. If health care costs are not brought under control, Americans will be spending $1 out of every $5 they earn on health care in less than 7 years. That is by the year 2000.

While these figures are alarming and say much about our current system, let us not forget that there are faces behind these statistics that I will enumerate and that we have heard talked about so often. People who can paint a picture for us of the crisis we are currently facing in health care more powerfully than any statistics we have seen or heard.

President Clinton brought the plight of two of my constituents, Richard and Judy Anderson, of Reno, NV, to national attention in his State of the Union Address. In September 1989, Judy Anderson suffered a brain aneurysm. It was the second one that she had suffered. She was in intensive care thereafter for 21 days and had many more days of recovery. Richard, her husband, had recently lost his job and the family's health insurance. Before Judy was well the Andersons had a hospital bill for over $120,000 and thousands and thousands of more dollars in medical bills from doctors and other providers.

Although Richard soon went back to work, the hospital bills, with the money that he made, were still insurmountable. High medical costs and a health insurance system that is broken eventually forced the Andersons into bankruptcy.

No one sums up the health care crisis we are facing better than Mr. Anderson in his letter to Mrs. Clinton. "Mrs. Clinton", he said "no one in the United States should have to lose everything they have worked for all their lives because they were unfortunate enough to become ill."

That says it all. But the Andersons are not alone, Mr. President. They are not the only citizens of my State who are feeling the pain of the health care crisis. They are not the only people in the United States that are suffering from the health care crisis.

Before attending the health care forum, Mrs. Clinton had the opportunity to tour the University Medical Center, a county hospital located in Las Vegas. Almost 30 years ago, Mr. President, I was elected—it was my first elective job—to the county board of this hospital that she toured.

On her tour of University Medical Center, the First Lady met with many Nevadans who know that there is a crisis. Mrs. Clinton shared with the providers attending the forum the compelling stories of three families she had met while at this hospital, UMC. I would like to share these stories with the American public and the Members of the Senate.

Pamela Hinkley of Las Vegas has four children, is 8 months pregnant, and uninsured. To insure Pamela would drive up the cost of her family's insurance another $300 a month. A sum the family could not afford. Curtis and Pamela Hinkley, faced with the difficult circumstance of having to decide whether to insure their four children or Pamela, decided to insure their children. Now, 8 months pregnant, Pamela and her husband Curtis are faced with choosing between making the family house payment or providing Pamela with a $1,200 pain-blocking epidural for the delivery of her child. A tough choice for Pamela who delivers 10 pound babies and received two epiduarls during her last delivery. Mr. Hinkley expressed regret and a sense of failure to Mrs. Clinton on his inability to provide insurance for his family. Mrs. Clinton responded quite accurately. It is not Mr. Hinkley who has failed. It is a system that has failed.

Then, there is the story of Mr. and Mrs. Bittman. Mr. Bittman is chronically ill and Mrs. Bittman suffers from severe diabetes. Two and a half year ago, Mrs. Bittman lost her job as a bookkeeper. Prior to losing her job, she and her husband had insurance through Mrs. Bittman's employer. For 3 years, Mrs. Bittman had to go without insurance and Mr. Bittman was forced to apply for county assistance to cover the cost of his medication. Although Mrs. Bittman is now covered by Medicare, this couple continues to suffer from the inequity and inadequacy of the current health care system.

Finally, I would like to share the story of a Las Vegas carpenter. A man who was unable to provide health insurance for his family because his company only offers this benefit to upper management. This man and his wife recently had their second child. Desperate to provide his family with health security, this man approached his employer and asked for a cut in pay to quality his wife and children for Medicaid, the only access to medical care available for his wife and children. This is a family who has seen the American tradition of hard work and reward shattered. It no longer holds true that the harder you work, the more you have. In this case, the trade off was the opposite.

Mr. President, I would submit to my colleagues the same challenge offered by President Clinton in his State of the Union address. For those who say there is no health care crisis, I would like them to tell that to the constituents whose stories I have shared with you today. Because, as the President cannot tell the Anderson's there is not a crisis, neither can I tell my constituents that there is no crisis. The facts are too glaring and the stories too painful to ignore any longer.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. BOREN. I thank the Chair.

(The remarks of Mr. BOREN and Mr. DOMENICI pertaining to the introduction of S. 1824 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

REAFFIRMATION OF THE ROLE OF STATE AND LOCAL GOVERNMENTS IN EDUCATION

Mr. ROTH. Madam President, I am offering this amendment to the committee substitute to S. 1150 to reaffirm the role of State and local governments in education. During our debate on this bill the distinguished chairman of the Senate Labor and Human Resources Committee, Senator KENNEDY, and the ranking minority member, Senator KASSEBAUM, have outlined in their statements with respect to the committee substitute that we in no way intend to preempt State and local government responsibility for education through enactment of this legislation. Language has been added to the bill by Senator GREGG which stipulates certain activities such as per pupil spending, school building standards, curriculum content, class size, teacher certification, or instructional practices may not be mandated. However, because the issue of State and local control of education is so critically important I feel it is imperative that we underscore this principle. That is the purpose of my amendment.

The legislative process involved in the creation of the Department of Education was lengthy and deliberative. The Government Affairs Committee held over a dozen hearings, taking testimony from 125 witnesses over a 2-year period. In elevating education to department status the Congress hoped to achieve two primary benefits. The first benefit was to enhance the stature of education and emphasize the importance we attach to education in this country. The second benefit was to bring a focus to our educational effort at the Federal level. As a component of the Department of Health, Education, and Welfare educational leadership was fragmented under three different officials with over 40 statutorily created bureaus and offices; the "E" in HEW was thought to be overwhelmed by the demands of Health and Welfare which

constituted 95 percent of the budget of HEW at that time.

A principle concern in the creation of the Department was the careful construction of the perceived Federal role in education in our country which is supplementary and complimentary to the efforts of State and local governments. Educational governance at the State and local level has a long and solid history in our country and the legislation creating the Department clearly sets out this principle in the statute itself. I worked in the Government Affairs Committee with Senator DANFORTH and my colleagues at that time to clearly establish congressional intent with respect to the conduct and operation of our educational programs to ensure that the rights of State and local governments were protected in this regard. Senator Ribicoff, our able chairman of the committee at the time was fully supportive of our effort and intent. The amendment I am proposing today is a reaffirmation of this declaration.

Mr. President, the publication of the landmark report "A Nation At Risk" in 1983 dramatically highlighted our disappointing, some might say dismal, educational performance and brought into sharp focus the need to attend to improvement in our educational system. Scores of other reports followed and the educational reform movement began.

I have a very serious concern that the quest for improvement in educational achievement and performance may lead some to assert Federal preeminence in education. Our educational system is enormous and diverse. Over 60 million people—almost one out of every four Americans—is enrolled in school at the elementary, secondary, or postsecondary level. Another 3.7 million people are employed as elementary and secondary teachers and faculty of colleges and universities, and 4 million more work in the administrative, professional, and support staff functions. In addition thousands of everyday citizens participate in State and local school boards covering over 15,000 school districts and 110,000 schools. I think the plurality in our educational system is one of our great strengths as is the notion of equality and access to educational opportunities. I strongly believe that results in achieving the educational goals enunciated by our Governors and codified in the committee substitute to S. 1150 can only be realized through State and local control. Educational improvement is dependent upon the input of parents, teachers, principals, school administrators, and the students themselves and this can only be fostered at the State and local level where responsiveness and innovation can occur. I think it is critically important to recognize this principal and to reaffirm the rights and responsibilities of our State and local governments in education.

It is my understanding that the committee substitute for S. 1150 has been designed with the principle of State and local control in mind. Section 402 of the committee substitute to S. 1150 specifically stipulates that nothing in the bill be construed to supersede the provisions of section 103 of the Department of Education Organization Act. As the author of the section 103 language I think we must underscore this point with even greater clarity. The language of my amendment is taken directly from Public Law 96-88, the Department of Education Organization Act. It includes the language from the findings under the act that in our Federal system the responsibility for education is reserved respectively to the State and the local school systems and other instrumentalities of the States. My amendment includes the language from the Act which stipulates that the purpose of the Department of Education was to supplement and complement the efforts of States, the local school systems, and other instrumentalities of the States, the private sector, public and private educational institutions, public and private nonprofit educational research institutions, community based organizations, parents and schools to improve the quality of education and it includes the language from the Department of Education Organization Act which states that Congress intended to protect the rights of State and local governments and public and private educational institutions in the areas of educational policies and administration of programs and to strengthen and improve the control of such governments and institutions over their own educational programs and policies. My amendment reaffirms that we agree with these principles and that no action shall be taken under the provisions of the Educate America Goals 2000 Act by the Federal Government which would, directly or indirectly, impose standards or requirements of any kind through the promulgation of rules, regulations, or otherwise, which would reduce, modify, or undercut State and local responsibility for control of education.

Madam President, it is my understanding this amendment is satisfactory to the managers of the bill.

I look forward to it being adopted.

The PRESIDING OFFICER (Ms. MOSELEY-BRAUN). The Senator from Vermont.

Mr. JEFFORDS. Madam President, first I commend the Senator for his amendment. It is very articulately stated and very clear, as to what the intent is. It will be very helpful as we proceed into conference.

I also know the bill is no longer pending. I would let the Senator from Delaware know that I know of no objection to this on this side of the aisle and Senator KENNEDY is authorized to say there is no objection on the other side of the aisle. I will make sure it is contained in the management package which will be put before this body.

The PRESIDING OFFICER (Ms. MOSELEY-BRAUN). Who seeks recognition? The Senator from Arkansas.

Mr. BUMPERS. I thank the Chair.

(The remarks of Mr. BUMPERS pertaining to the introduction of S. 1825 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. RIEGLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

HEALTH CARE CRISIS

Mr. RIEGLE. Madam President, following my good friend and colleague, the Senator from Arkansas, I want to now address some remarks to the health care problem facing our country. I do so because there is a clear issue that is before us. It is an urgent matter, and we have heard a lot said and have seen a lot written just in the last several days about it.

Frankly, our country has been facing a health care crisis now for many years. Based upon my own experience from holding now over 40 public hearings on the issue of health care reform and, in the course of doing those hearings, testimony from hundreds of individuals, I can state on the Senate floor that a crisis does exist and that we must pass comprehensive health care reform and we must pass it this year.

I am pleased that we finally have a President and a First Lady who have brought this issue to the forefront and who are leading the effort to deal with it.

As this debate goes forward, I think we have to stay focused on why we need reform. We have to stay focused on real people who are everyday being hurt by the problems in our health care system and who cannot solve those problems by themselves and who need our help.

The number of Americans that did not have health insurance sometime during the year of 1992 is said to be 38.5 million people. Of that number, 24 million did not have any health insurance coverage at any time during that year.

Millions of Americans who do not have health insurance coverage through their employer simply cannot afford to buy private insurance on their own. It is just too expensive and it becomes more expensive everyday.

Let me tell you the case of Veronica McClellan who lives in Westland, MI, who cannot afford to buy health care insurance. Veronica is a 55-year-old widow who had never worked outside her home. Sadly, her husband died this last year, leaving her with no income and no health insurance.

Veronica is not eligible for Medicaid because she does not meet the eligi-

bility criteria which generally require that a single woman be very disabled or on welfare. She is also not old enough to be eligible for Medicare.

Last year, Veronica was diagnosed with breast cancer, and just last month she underwent a complete mastectomy. But she has no income or health insurance to pay for the cost of this surgery which she needed literally to save her life.

The bill for her hospitalization is so far beyond her means that right now she does not even know how much the final cost will be, how many multiples of thousands and probably tens of thousands of dollars that it will be. She knows, moreover, that she cannot afford to go to a physician for the kind of proper followup care that she should get after major surgery because of the cost involved there, and again no health insurance in place.

Without health insurance or outside income, she has had to rely upon her daughter to pay all of her medical bills, and this, of course, has become an enormous strain on her daughter.

Many more of those who lack insurance are unable to get insurance simply because they need it. They cannot buy insurance even if they have the money. Our current system allows people who need coverage the most to be denied the health insurance coverage because of what the insurance companies call preexisting conditions.

Last October, I told the Senate about Joan Kachadourian from Gibraltar, MI. Joan can no longer work because of a heart condition. Her husband, Lesley, does work but his company does not offer health insurance. Joan has been denied health care coverage by insurers because of her preexisting health condition. So the simple fact is she cannot get the insurance precisely because she needs it. She needs it and therefore she cannot have it. Unfortunately, her condition is getting worse because she cannot afford the treatment.

That should not happen in this country, and that is a crisis for her. It is a crisis for countless thousands, tens of thousands of other people like her across this country. They are waiting for action. They are waiting for action by us, and they deserve to have action taken.

The health care crisis is also hurting American businesses because of the skyrocketing premiums that they are paying to cover their employees. Health care costs to businesses are rising an average of 15 percent each year. Some large companies such as the auto manufacturers in my home State of Michigan are hurt even more because they have on average an older work force with greater health care needs and because they also pay the health coverage for their early retirees until they reach the age of Medicare.

Small businesses are hurt because they have to pay significantly higher rates for the same coverage, and their rates go up even if just one employee should get sick and file a claim.

I took the Senate floor before to give an example of a small business owner who was being crippled by health care costs. I described that last summer. Douglas Erwin owns a small fruit and vegetable market in Novi, MI. He has 15 employees and provides coverage for his full-time workers and their families. Douglas provides insurance because he understands how important the coverage is. Two of his own sons have had very expensive health problems. But his costs of providing that coverage has doubled over the past 5 years. In 1988, his business had a profit margin of $39,000, and that was after a year of very hard work. But last year his profits were only $5,000 because his health care costs had risen so high. Small businesses like this cannot afford to keep paying these exorbitant costs and hope to stay in business.

So it is a crisis for him as well as many other small business owners across the country who are trying their best to provide health insurance for their workers.

So we have to reform our health care system because of the lack of security and the high costs of our present system, and that is hurting everyone in the end. As I say, we have to do it this year.

I have cosponsored President Clinton's reform plan because I believe it establishes the right goals. I do not say that it is perfect in every respect, nor does he. We will make changes in it as we go along. But that bill would make certain that everybody in this country had coverage, that it was coverage they could afford and it would never be taken away. It would mean people like Veronica McClellan, instead of now being in this terrible situation, would have some economic security with her health problems. And Joan Kachadourian the same thing; she would have the security of guaranteed health coverage that she needs and I think deserves to have, and it would control the costs of businesses providing coverage to their workers. So I am going to do everything I can this year as the chairman of the health care subcommittee for families and the uninsured on the Finance Committee to see this gets done.

I wish to add one other comment.

I have noticed, as have others, in the last 2 days some of the business organizations in the country that have come out against the President's plan—I was very disappointed to see that—the chamber of commerce today, the Business Round Table yesterday.

Frankly, I think a mistake in strategy was made in allowing the NAFTA proposition to go forward ahead of health care reform. Now, I happened to be on the other side of the NAFTA issue. I thought it was a mistake then, and I think it is a mistake now. I think future events will prove that to be so. Nevertheless, the administration was very much in support of NAFTA.

But I think by giving that issue to the business community, which wanted it very much, a top priority of the business community because they saw it as a way to make money in many cases by moving jobs to Mexico, despite claims to the contrary, but once they got the dessert, then all of a sudden they did not want to have to eat the spinach which is required to do serious health care reform with the kinds of cost controls that could work.

The fact that those things were put in the wrong order is nothing we can change now, but there is a powerful lesson there, and it ought not to be lost on anybody who is thinking about how to sequence these legislative items. We should have taken health care first, and after health care then we could have dealt with NAFTA. I think I can, based on the logic and the common sense of it, pretty much guarantee that we would have had a lot more people out of the business community if health care had come first with the prospect of NAFTA coming second than having done it the other way around. It is too late to change that now except to draw a lesson from it so that we do not make that kind of mistake again in the future.

I thank the Chair. I thank my colleagues. That completes my statement on this issue.

REPORT ON TRIP TO HONDURAS, EL SALVADOR, AND NICARAGUA

Mr. LEAHY. Mr. President, from December 6 to 9, 1993, I traveled to Honduras, El Salvador, and Nicaragua in my capacity as chairman of the Foreign Operations Subcommittee. The purpose of my trip was to discuss with local and U.S. officials the implications of the decline in U.S. foreign assistance to these countries, as well as issues specific to each country such as the elections and increase in violence in El Salvador and the proposed release of $40 million in economic assistance to Nicaragua. I ask unanimous consent to include in the RECORD at this point the report on my trip which I submitted to the distinguished chairman of the Appropriations Committee.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, January 31, 1994.

Hon. ROBERT C. BYRD,
Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR BOB: During the December recess, with your approval, I traveled to Honduras, El Salvador and Nicaragua. I am making my trip report available to you in the hope that it will be of use to the Appropriations Committee as it considers continuing economic assistance to those three countries.

With best regards.

Sincerely,

PATRICK LEAHY,

Chairman; Foreign Operations Subcommittee.

TRIP REPORT, SENATOR PATRICK LEAHY, HONDURAS, EL SALVADOR, NICARAGUA, DECEMBER 6–9, 1993

From December 6–9, 1993, I traveled to Honduras, El Salvador and Nicaragua in my capacity as chairman of the Foreign Operations Subcommittee. The purpose of my trip was to discuss with local and US officials the implications of the decline in US foreign assistance to these countries, as well as issues specific to each country such as the elections and increase in violence in El Salvador and the proposed release of $40 million in economic assistance to Nicaragua.

HONDURAS

I spent one and a half days in Honduras. In addition to receiving the country's highest award (the Grand Cross of the Civil Order of Jose Cecilio del Valle) in recognition of the Vermont-Honduras Partners, I met with President Callejas, Foreign Minister Carias and other Cabinet members, the Commissioner for the Protection of Human Rights, US Ambassador Pryce and other US officials.

Honduras recently held national elections which were universally regarded as free and fair. The National Party, which had held power, was defeated. The new Liberal Party President, Carlos Roberto Reina, who is considered honest and a strong advocate for human rights, will be inaugurated January 28, 1994. He has said that his priorities will be strengthening civilian control over the military, fighting corruption, and reducing poverty.

In my meeting with President Callejas, I raised two cases involving property owned by American citizens which have been confiscated without compensation. With respect to the Louis Vallentine case, although the Government concedes that compensation is due, it says it does not have the necessary funds. I was told by Callejas and the Mayor of Tegucigalpa that the municipality is willing to provide Vallentine with comparable property which he can then sell, although efforts by the Embassy to secure such an offer in writing had so far failed. The Holly Adams Damon case is significantly more complicated since it involves confiscation of the property by a former business partner and outgoing Member of Congress. However, Callejas agreed to look into it further.

I also discussed with Callejas a case involving the disappearance of two Honduran men which was the subject of a claim in the Inter-American Court of Human Rights. The Court ordered the Honduran Government to pay compensation, but because of the Government's delay and subsequent currency devalutions, the Government failed to pay the full value of the award. President Callejas did not dispute that the former government had failed to pay on a timely basis, but he was pessimistic that full compensation could be provided because of the precedent he said this would set for others who would claim to have been injured by the devaluations. However, in later discussions of this matter with Ambassador Pryce and Commissioner Valladares, Valladares suggested that if the parties could agree on an amount to resolve the case, incoming President Reina, formerly a justice on the Inter-American Court, would probably support legislation to provide this amount.

Callejas and Foreign Minister Carias asked me if the United States would assist Honduras get rid of the landmines along the Honduran-Nicaraguan border, which continue to kill and maim civilians living in that area. I told them that since the funds for demining had been included in the Defense Appropriations and Foreign Operations legislation at my initiative, I would pursue this with the Administration.

I traveled to Lake Yojoa, where I met with representatives of US AID, an NGO named "Global Village," and the Peace Corps. They are collectively supporting a rural education project designed to assist local communities in protecting the threatened watershed of the Lake Yojoa region. I also visited Santa Rosa de Copan, to observe a road construction project financed by US AID.

EL SALVADOR

I spent one day and a night in El Salvador. I delivered a speech to several hundred recruits at the National Police Academy, visited the Divine Providence Orphanage in Santa Tecla, visited a prosthetics workshop for war wounded, met with President Cristiani, had lunch with approximately 30 government, FMLN, church, business and other private sector leaders, and met privately with Ambassador Flanigan, other Embassy officials, and members of the foreign press.

El Salvador is in the midst of an historic election campaign. I found general agreement that, after a slow start, the process of registering voters was a success. (Some observers believe that the Government's effort to register large numbers of eligible voters in the three months before the November 20th deadline was due in large part to the withholding of economic assistance by the Congress.) Approximately 588,000 of the 785,000 newly registered voters are first-time registrants. According to the Embassy, if all those who registered actually vote, the number who vote will exceed 80 percent of eligible voters. However, Ambassador Flanigan agreed with me that if the Government is unable to provide voting cards to all registered voters, any person who can prove he or she has registered should be permitted to vote. I was told that the UN also takes this position, and I stressed the importance of all registered voters being permitted to vote in my meeting with President Cristiani.

In addition to the upcoming elections, a focus of my discussions was the recent resurgence of violence, some of which appear to be politically motivated. Several FMLN leaders have been assassinated, including one candidate for the Central American Parliament who was gunned down the morning I left El Salvador. I was told, belatedly, that earlier on the day of my visit President Cristiani had met with members of the foreign press who he blamed for suggesting that the recent killing may have been committed by right-wing death squads, a suggestion he denied. President Cristiani told me that there is evidence that the murder of FMLN leader Francisco Velis, was a common crime. I was later told by an Embassy official that the Embassy does not give much weight to this view. Apparently, the evidence President Cristiani was referring to is that the gunman, before shooting Velis, demanded his car. The gunman then got into a getaway car and fled without Velis' car.

I also discussed with President Cristiani the decline in US foreign assistance to El Salvador. I said that this trend will continue due to overall cuts in foreign aid and the shift in the Congress' attention to Russia, although I believe the US still has significant interests in Central America that warrant continued US assistance.

NICARAGUA

I spent a half day in Nicaragua, where I met with Ambassador Maisto, US AID Mission Director Ballantyne, other Embassy officials, President Chamorro, and members of her cabinet.

President Chamorro, the UNO and Sandinista parties have been locked in a political stalemate for close to a year. I was told by Ambassador Maisto that in the meantime, although inflation has been cut to almost zero, the economy has continued to weaken, unemployment remain high, poverty has increased, human rights abuses have gone unpunished, and the investigation of the May 1993 arms cache explosion is still incomplete. US officials said the Government was making progress in resolving the American property cases, although it was not moving as fast as it should particularly on cases involving confiscation by the Government. Ambassador Maisto argued that despite the generally gloomy picture it was essential that $40 million in Economic Support Funds be released to demonstrate continued US support for President Chamorro. He said that the political stalemate was largely due to extremists on the right and left who believe that the US no longer supports her, and that if they refuse to compromise her government may fall.

In contrast, Nicaraguan officials insisted that they are on the right track and the economy is on the mend. Whether or not this is true, shortly after my trip, a compromise was reached which may break the logjam in the National Assembly and permit the legislature to function again.

I told US AID Mission Director Ballantyne that the emphasis of the US assistance program should be on addressing urgent social needs such as health, education, and unemployment. She said this will be the focus in the future.

I told President Chamorro that support for substantial aid to Nicaragua has all but evaporated in the Congress. I said that while I recognize a strong case can be made for the release of the $40 million requested by the Administration, I do not expect such large amounts of aid to be provided in the future. I also stressed that I believe the Government needs to put more effort into investigating and prosecuting human rights cases.

TRIBUTE TO SENATOR JOSEPH HURST BALL

Mr. DURENBERGER. Mr. President, I rise today to pay special tribute to former Senator Joseph Hurst Ball, who passed away December 20, 1993.

Joseph Hurst Ball was born November 3, 1905, in Crookston, MN, a pleasant farming community in America's heartland. But from these humble beginnings he would grow up to make his mark in foreign affairs, advocating as a U.S. Senator policies that would help shape a new Europe after the Second World War.

Appointed to the U.S. Senate in 1940 to complete the term of Senator Ernest Lundeen, Senator Ball advocated American intervention in the war in Europe. He recognized then what we understand so clearly today—that the fate of our Nation is linked closely to that of the rest of the rapidly shrinking world. Senator Ball was deeply concerned that Americans understand and

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support these international relationships.

Senator Ball was instrumental in moving Congress to support the formation of an international dedicated to assuring collective security. This consensus proved central in framing the authority of the United Nations.

Economic development was central to Senator Ball's plans for rebuilding Europe. His insistence on the development of closer linkages between Western European nations after the war was a significant factor in the formation of the Organization of European Economic Cooperation, the precursor to today's Common Market.

Mr. President, Senator Bell has left us with the gift of foresight, a vision of a world bound politically and economically to international cooperation. It is not exaggerating to say that a great deal of Western Europe's peace and prosperity of the past 50 years—and by extension, much of the post-war global economic boom—rests in no small way on Senator Ball's contributions.

FOSTER APPLIED TECHNOLOGY CENTER STUDENTS

Mr. MITCHELL. Mr. President, I rise today to recognize the extraordinary efforts of a group of Maine high school students in the ongoing efforts to rebuild Homestead, FL.

Last month, our Nation watched in horror the devastation caused by the California earthquake. We were reminded once again of the sometimes overwhelming power that Mother Nature can unleash.

In August of 1992, another natural disaster struck our Nation. Hurricane Andrew came ashore at Homestead, FL, destroying homes and seriously disrupting residents' lives.

Today, more than 16 months later, the effort to rebuild continues. Countless volunteers have donated goods and services. In January, a group of high school students from Foster Applied Technology Center in Farmington, ME, returned from their second trip to Homestead.

These students used the carpentry skills they have learned in school to help reconstruct homes for Florida families still living in temporary housing. Students have installed roof trusses, braced and framed houses to meet Florida codes, sheathed, papered and shingled roofs, and framed interior walls and partitions.

Not only were the Foster Technology students able to do much work themselves, but they also shared their talents by teaching less skilled volunteers.

Many high school students travel to sunny Florida during school vacations to relax and play. These students, however, went to Florida with a greater purpose: to help people. I commend and thank the students and staff of Foster Applied Technology Center for their commitment to the Yankee work ethic and their hard work on behalf of the people of Homestead.

THE INTEGRITY OF FEDERAL STUDENT AID PROGRAMS

Mr. PELL. Mr. President, as the chairman of the Subcommittee on Education, Arts, and Humanities, I am dedicated to ensuring that our student aid programs serve the purpose for which they are intended: to provide access to quality educational opportunities for deserving students. I am equally dedicated to doing everything possible to safeguard these essential programs from those who would defraud and abuse them.

Mr. President, I read with great concern the New York Times articles on fraud and abuse in our student aid programs. In view of those articles, I think it important to note that today, the Department of Education, under the able leadership of Secretary Riley, is working to reverse the downward spiral in student aid program review and administration that occurred during the 1980's. Secretary Riley clearly understands that the public's confidence in our student aid programs depends, in large measure, upon its confidence in the Department's ability to effectively administer those programs, to root out abuse, and to punish those who would cheat or defraud the Government. I applaud his ongoing efforts to strengthen the operation and oversight of our vital student aid programs.

I also wish to applaud our most able colleague, the senior Senator from Georgia, SAM NUNN, for his continuing efforts to ensure the integrity of these programs. As Senator NUNN knows, my subcommittee took very seriously the recommendations of his Permanent Subcommittee on Investigation to strengthen the loan program. Indeed, most of those recommendations were included in our 1992 reauthorization bill.

Like his earlier student loan program hearings, I anticipate that Senator NUNN's recent work on abuses in the Pell Grant Program will produce important information that will help us to strengthen that program. I was pleased to testify at the first of two hearings on Pell grant abuses Senator NUNN conducted last October and I look forward to continuing to work closely with him as he holds additional hearings on the student aid programs in the near future. Senator NUNN has my assurance that I stand ready to work with him to develop any necessary changes to current law.

Mr. President, I wish to highlight some of the most significant actions we have taken, to date, to end student aid program abuses. In the early 1980's, we focused on efforts to recover money from those who did not repay their loans. We required that loan defaulters be reported to credit agencies so that failure to repay their loans meant they could not get a credit card or borrow money to buy a car.

We also put into place and made permanent the requirement that the tax refunds of defaulters be withheld. This provision caused a storm of protest from deadbeats who had not repaid their loans. It has also resulted in the recovery of an estimated $2 billion in defaulted loans.

Since 1986, Federal law has required students to maintain at least a C average or its equivalent in order to continue receiving Federal student aid. We also require that the student must be working toward a degree or certificate, and not just taking a course because of personal interest.

In 1987, in response to growing student default rates, the Senate adopted an amendment to cut off school participation in the loan program if the institution had a default rate in excess of 25 percent. After passing the Senate several times, the legislation was finally enacted 4 years ago. To date, nearly 400 schools have been dropped from the program as a result of this legislation. This year, additional schools with default rates above 25 percent for the past 3 years will become ineligible.

But whatever we do and whatever we require, the Department must be diligent in its enforcement of the law. At the default hearings the Education Subcommittee held in 1987, we found that annual institutional program reviews by the Department of Education had dropped by two-thirds, from 1,200 a year to 400. This disturbing reduction in program reviews occurred at the same time the student loan programs were growing. To put it simply, Mr. President, the policeman had been taken off the beat. I believe we all know what happens when that occurs.

Following our 1987 hearings, we developed even more comprehensive legislation to curb default problems. With the cooperation of former Secretaries Cavazos and Alexander, many of these reforms were implemented through Federal regulations. The problem, however, remained that the Department had so severely cut back personnel that unless a problem bubbled to the surface, it often went unnoticed and uncovered.

When we reauthorized the Higher Education Act in 1992, we enacted numerous program reforms that are just now being implemented. Included in the new law are provisions that: Require that short-term programs maintain at least a 70-percent completion and a 70-percent placement rate to participate in Federal student aid programs; ban from student aid programs for-profit schools that derive more than 85 percent of their total revenues from such programs; require that

schools have in effect a fair and equitable pro rata refund policy; and bar schools from using paid recruiters to attract students.

The 1992 amendments also strengthen the three legs of the triad, which consists of State oversight and licensing, accreditation by a separate and independent accrediting body, and institutional eligibility and certification by the Department of Education. Last week, the Department issued proposed rules to implement the new statutory provisions that strengthen the roles of the States and accrediting bodies.

As the New York Times articles point out, the law now contains a list of triggers, and a school that trips any one of these triggers must undergo rigorous State review. To assist States in performing these mandated reviews, we provided $5 million last year and an additional $21 million for this fiscal year. Under the 1993 budget bill, States that fail to take this mandate seriously will end up owning the Federal Government a share of the default costs for schools that exceed a 20 percent cohort default rate. Some of the schools that have been the subject of recent investigations by the GAO and the Senate Permanent Subcommittee on Investigations would indeed trigger such a review under the new law. Still others would be identified as a result of the mandatory recertification review required by the 1992 amendments.

Mr. President, we have evidence that our program integrity efforts are meeting with success. The national default rate has fallen from 22.4 percent in fiscal year 1990 to 17.6 percent in fiscal year 1991, the most recent year for which we have data.

The Department of Education has doubled the share of initial institutional applications for student aid that are rejected—from 17 percent and 44 denials in 1990 to 35 percent and 87 denials in 1993.

The Department has increased the number of LS&T [Limitation, Suspension, and Termination] actions taken from 70 in fiscal year 1990 to 168 in fiscal year 1993. Although the actual numbers are not yet official, the Department plans to significantly increase the number of staff devoted to institutional gatekeeping and monitoring in the current fiscal year.

The Department will increase from 300 in fiscal year 1993 to approximately 1,000 in fiscal year 1994 the number of institutions on a reimbursement system. In other words, those institutions will not be permitted to automatically draw down student aid money. This number compares to a total of 6,300 institutions that are certified to participate in the Pell Grant Program. Further, higher education technical amendments enacted late last year will strengthen the Department's ability to place these institutions on a reimbursement system—without concern that abusive schools may be able to block its action through litigation.

The number of institutional reviews—which fell below to 400 during the mid-1980's—will increase from 600 in fiscal year 1993 to about 1,000 in fiscal year 1994.

The Department expects that the States, in carrying out their new responsibilities pursuant to the 1992 amendments, will review 1,600 institutions this year alone. For fiscal year 1995, the Department is requesting funds sufficient to enable States to conduct reviews of 2,000 institutions.

Mr. President, as I stated at the beginning, we have two equally important objectives: One to make sure that students who receive aid are deserving of that aid and take their responsibilities seriously and, two, to make certain that the schools who participate in Federal aid are on the up-and-up and provide a quality education.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, as of the close of business yesterday, February 2, the Federal debt stood at $4,524,359,010,160.50, meaning that on a per capita basis, every man, woman, and child in America owes $17,353.92 as his or her share of that debt.

HONORING NED GUTHRIE

Mr. SIMON. Mr. President, I am proud to offer into the CONGRESSIONAL RECORD a statement in fond memory of Mr. Ned Guthrie, who passed away January 28, 1994.

Many of my colleagues will recall Ned's tireless work on behalf of musicians. I had the opportunity to work with Ned for several years on the Live Performing Artists Labor Relations Amendments (Live PALRA), which is designed to correct several longstanding inequities in our Nation's labor laws.

It seemed as if Ned was always working toward the advancement of equity for musicians. Whether it was writing letters and articles or making countless telephone calls, he did so with such earnestness, sincerity, optimism, and personal commitment—that many were inspired to join his efforts. Having worked as a musician, he had personal experience regarding the many injustices musicians had faced and continue to face. I suspect that many of my colleagues would not be the strong supporters or cosponsors of legislation like Live PALRA, but for Ned's diligence.

I would like to share with my colleagues a 1990 article from the Charleston Gazette about Ned. The article highlights Ned's career as a musician. In the early 1960's, as member of an integrated band, Ned fought racism while touring the South. I ask unanimous consent that it be printed in the RECORD following my remarks.

Mr. President, I offer my sincere sympathy to his family and friends in this time of loss. Ned will be missed by many. I encourage my colleagues to join me in honoring his work and his memory by working toward the enactment of the Live Performing Artists Labor Relations Amendments.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Charleston Gazette, Nov. 1, 1990]

A CAREER OF NOTE

(By Sandy Wells)

"You could start a fight there with two or three people, and in five minutes there would be 300 people scuffling and police trying to get through. Up and down the street, it would be the same thing.

"I was in the middle of all that," Ned Guthrie said.

Actually, he was beneath all that. In the late 1930s, amid the night life noise on Summers Street, you could hear Guthrie and the Charlestonians playing in the basement of the Lincoln Hotel. Strains of "Chattanooga Choo-Choo" and "Marie" blared up through the Fife Street grates.

For seven years, six nights a week, Guthrie packed them in at the Rathskeller. Fights broke out down there, too. "As soon as a fight would start, I would jump over the bandstand. The drummer would get one guy and I would get the other one, and we'd hustle them out. It got hectic sometimes."

Through five decades, he played on riverboats and radio, at colleges and hotels, prisons, fraternal lodges, for vaudeville and circuses and Broadway stage shows, in speakeasies and beer joints and ballrooms and a cavalcade of nightclubs all over the East Coast.

Nothing compared to the Rathskeller.

"The traveling bands would come in and ask the bellboys where the action was. Well, there were a lot of places, but the bellboys would say, 'There's only one place.' They knew where the women were. They knew we had the three ingredients—wine, women and song."

Today, a hump in the carpet at the Fife Street Shoe Shop marks the closed staircase that led to the hidden door. Except for the terrazzo floor, the basement looks like an ordinary storage area. Around the corner on Summers Street, the only vestige of the Lincoln Hotel is a peeling gold-lettered sign camouflaged in the remodeled entry.

Back when Guthrie played in the basement, "Summers Street was called the Street of Dreams, because it was so exotic when dark came along. It was thriving with human beings after dark."

Bluebloods and blue-collar workers walked the street with streetwalkers from the Triangle District, attracted by the hotels, honky-tonks and movie houses, vaudeville shows at the Kearse Theater, the comings and goings at the Greyhound bus station.

From preachers to prostitutes, just about everybody ended up in the Rathskeller. "The reason it got to be popular is the Triangle District was still around and there were a lot of ladies of the night. Most of them came to the Rathskeller. We had preachers there, too. And Statehouse people. And country club people. It was very cosmopolitan. It wasn't lowlife. It was a mixture of everybody.

"The Rathskeller was the most famous place that's been here in all the years I have lived."

Ned Guthrie has lived 80 years, most of them as a musician, much of them as a force in the American Federation of Musicians. Fingers that tickled the clarinet keys aren't as nimble now. He doesn't talk as fast. Or walk as fast. Arthritis destroyed his knees. But time has not tampered with his memory. From his musical boyhood, Guthrie can trace, in minute detail, a lifetime devoted to music.

As a grade school boy, he played the drum for the march to recess. He drummed ahead of the Bigley School contingent in an all-city parade of schoolchildren.

As a sixth-grader in Morgantown, he fell in love with classical music. "The teacher played records. I heard one tune I can remember today as vividly as if it was this morning. It was Barcarolle from Tales of Hoffman. The melody of it and the rhythm of it was so simple, and it haunted me all the time."

As a high school band member in Point Pleasant, he realized musicians could be treated unfairly. Band members were told to report at 9 p.m. to go play somewhere, he said. "I could tell we were going to the baseball field, but it was pitch dark, not one light on anywhere. The band director said we wouldn't be able to see to read music, so he picked a tune everybody knew. I could hear horses. When those lights came on, there was a big flaming cross on the pitcher's mound and around that baseball diamond was a solid ring of white hoods and Ku Klux Klansmen, and it scared the living daylights out of all of us.

"It was a pretty bad thing for me, and I never did get over it because it was just plain exploitation and racial and un-American, and I was uncomfortable with that."

Another incident stuck in his craw. The band took a wearisome trip to Gallipolis to play for presidential nominee William Jennings Bryan. The band director got $50. "We didn't get anything. I didn't much like that."

Then, in 1930, when he was playing with Del Willis and the Kentucky Wildcats, a promoter took them to a concert site with a piano, but no chairs. "He said, 'Oh, I'll go get the chairs.' That was early May of 1930, and he hasn't come back yet. That made up my mind.

"The Ku Klux Klan thing, and the boat ride, and that guy going after those chairs, those were the three things that made me join the union."

Most people know Guthrie as a pioneer of the state Musicians union, a national union official, the man who almost single-handedly won a war to repeal the Lea Act, a law that barred musicians from bargaining collectively with broadcasters.

His years as a union leader have been documented much more closely than his career as a bandstand musician.

At Charleston High School, band director J. Henry Francis, groomed him to make a living professionally. "He taught me how to sing when I don't have a voice and taught me stage presence. He taught me how to act because I was in the school musicals. J. Henry taught me how to control an audience."

After high school graduation in 1927, he went to work in a wholesale grocery house in Rainelle, and ended up forming a band, the Midland Trail Five. "One night I made $56 playing with the band, the most money I'd ever made. I made up my mind to give up the wholesale grocery and go to Montgomery to school." At New River State College, forerunner to West Virginia Tech, he got a scholarship in return for playing at school social events.

But college couldn't compete with an offer to play in a full size Charleston band, Charlie Giles and the Vagabonds. They played weekends on the third floor ballroom of the Kearse Theater.

Itching to go on the road, he got a job playing with Del Willis in Harlan, Ky. After the manager ran off with the band's money, the group regrouped under a new name, Mark Groff's Wonder Orchestra, and traveled through New York State, Tennessee, Pennsylvania and the eastern Kentucky coalfields.

Eastern Kentucky was tough terrritory. "We went into one place called Corbin. There was a table sitting over by the bandstand and I put my alto sax case there and the tenor sax player said, 'You can't put that there. That's the gun table.' I said, 'What do you mean, the gun table? There's nothing on there.' Well, he helped me put my things in another place and sure enough, when the crowd started coming in, the men would walk over and put their guns on the table. That was to prove to everyone that they were gentlemen and everyone trusted everyone."

He broke his father's heart when he turned down an appointment at the Naval Academy to travel with various bands.

Still on the road in 1933, he met Gladys Evans, his wife of 57 years. Her pregnancy in 1935 brought him back to Charleston, where he found steady work with his band at the Rathskeller. "I made $18 a week, union scale. Between 4 and 7, I taught lessons for 75 cents."

One of his music students remains forever in his mind. He wanted to change his class time so he could go to basketball practice. "This kid had no coordination playing that cornet, so I told him, 'You'll never make a basketball player.' That was the biggest mistake in the world. The student was Jerry West."

Throughout Guthrie's career, as advances in music narrowed playing opportunities for live musicians, he began to see a need for union involvement. "The first thing that happened that was bad for musicians were motion pictures with sound. I played some in the pit for silent movies, at the Avalon Theater in Montgomery when I went to school up there. When talkies came along, they stopped that. Then along came records and jukeboxes. We played for our funeral when we made a recording because the recording replaced live musicians."

The advent of the jukebox cost him his job at the Rathskeller. "The jukebox operators went into places where we were playing and said, 'Why pay this band $90 a week when you can put in a jukebox and make $65 or $70 a week?' So they got a jukebox and got rid of us."

He found a new job at the Gypsy Village in the basement of the Ott Building. When the jukebox was turned on during band breaks, Guthrie would cut short intermission and play along with the jukebox. "I had to sell the idea that we were better. A record isn't visual. I put a bucket on top of my head and played the clarinet just to attract attention. A jukebox couldn't do that. I clapped my hands. The jukebox couldn't do that. We'd start playing louder and louder until I signaled the waitress to pull the plug on the jukebox.

"The dance floor would be full of dancers, but they weren't dancing to the jukebox. They were dancing to us. Soon, all the people who were going to Rathskeller were coming to the Gypsy Village. They asked us to come back to the Rathskeller. All together, we played there six and a half years."

In 1942, he went to Nashville to play with the staff band for WSM Radio. By 1944, he was back in Charleston, playing at the Blue Room beside the Arcade.

"The soldiers came home and everything boomed. Moose Clubs became popular, and American Legions and VFW's popped up in every little town." Business dropped off at the Blue Room, so he quit and started playing the area clubs. When federal crime busters removed lucrative slot machines, clubs pinched for money had to cancel dances. Guthrie formed a bigger band and spent the next two decades playing for country clubs, dance clubs and nightspots around Charleston.

Before he battled for musicians' rights, Guthrie fought racism. In 1960, a country club in Charleston wanted to cancel a 12-dance contract if Guthrie didn't replace Jo Baby, his black vocalist. "The president's wife objected to Jo Baby using the women's room. I said, 'I'm going to drive up there and unload my band, and if you don't let me play all 12 dances, I'm going to sue for everything you've got.' He backed down."

They were booked for a dinner-dance at the Daniel Boone Hotel, but the sponsor forgot to arrange for them to eat, Guthrie said. They were directed to the main dining room. A black band member, knowing he wasn't welcome, refused to go in. "We drug him in there to eat. We broke the color line right there."

In 1953, with musician friend Jim Beane, Guthrie opened the Guthrie-Beane Music Co., opposite the Arcade. "That was my day job." The store eventually moved to Quarrier Street, where it stayed for 22 years.

At age 63, deeply involved in union struggles, he sold the store, handed his band to Mel Gillespie, and concentrated on abolishing the Lea Act.

President of the union local from 1977 to 1982, and a state and national officer, he believed the act forbidding bargaining with broadcasters was oppressive. He worked for eight years to get it repealed.

He also worked to build up the union locally. "We had problems here. As far back as 1959, musicians in the Symphony were playing for $5 a concert."

Guthrie doesn't think much of the music foisted on youth today. "If I was young and doing it again. I'd probably be learning to jump around like the music on MTV. But that's not music. That's photography, sex and violence. There is no melody. Try to hum one tune they do on there."

If he were young and doing it again, is there anything he'd do differently?

"Yeah," he said. "I'd change the pay scale."

NATIONAL GIRLS AND WOMEN IN SPORTS DAY

Mr. GRASSLEY. Mr. President, I would like to take a moment to note that today is the eighth annual celebration of National Girls and Women in Sports Day and to express my appreciation for the hard work and dedication of America's female athletes.

In 1992, the Senate passed Senate Joint Resolution 329 and the House passed House Joint Resolution 546, both designating February 3, 1994 as "National Girls and Women in Sports Day." This legislation was signed into law on October 28, 1992 and became Public Law 102-252.

The Women's Sports Foundation first organized this day of commemoration in honor of Olympic volleyball star, the late Flo Hyman who led the U.S. women's volleyball team to its first medal during the 1984 Olympic Games. Flo Hyman's life was cut short when she died of Marfan's syndrome on January 24, 1986.

Each year, the Flo Hyman Memorial Award is given on this day to a female athlete who has demonstrated Flo Hyman's "dignity, spirit, and commitment to excellence." Past winners have included Hall of Fame golfer Nancy Lopez, basketball great Lynette Woodard, track star Jacki Joyner-Kersee, as well as other outstanding women athletes.

Several other major organizations have joined in coordinating and sponsoring events for today's celebration. This year the Women's Sports Foundation, Girls Inc., the National Association for Girls and Women in Sport, the YWCA of the U.S.A., and the Girl Scouts of the U.S.A. have all worked together on events for this day honoring America's female athletes.

National Girls and Women in Sports Day emphasizes the importance of athletics in assisting girls and women in developing confidence, initiative, self-discipline, and leadership skills that are crucial not only in the field of athletic competition, but also in the keenly competitive world we all face today. Athletics teach the value of hard work, dedication, and perseverance in the face of any kind of obstacle. It provides lessons in the importance of physical fitness and teamwork that prove helpful throughout life.

Last fall, it was announced that in preparation for today's celebration, a poster identifying a number of women who have achieved firsts would be created. Among those honored by the poster are Julie Krone, the first woman jockey to win a Triple Crown race; Wilma Rudolph, the first American woman to win the 500 meter speedskating event at two consecutive Olympics; Trischa Zorn, the first blind athlete to receive a full athletic scholarship, and so on.

Mr. President, we Iowans are justifiably very proud of our State's female athletes, so I hope it does not sound too presumptuous in stating that we our female athletics are likewise first in many areas.

As a prime example, just this past October, ABC News showcased the University of Iowa as, and I am quoting, "a national model of acceptance and commitment to gender equity."

The news story was about title IX, a law passed over two decades ago to provide women athletes equal opportunity in participating in sports and in the availability of funding and scholarships. Unfortunately, much more progress must be made around the country, and in fact, a number of lawsuits have been filed to enforce title IX.

But let me share with my colleagues what ABC's reporter Armen Keteyian said, and I quote:

> Other schools are finding it doesn't have to be that way. Here at the University of Iowa, where Hawkeye football is king, there has never been a need for a Title IX threat or a lawsuit, for Iowa has become a national model of acceptance and commitment to gender equity.
>
> In fact, Iowa is ahead of its time—one of only seven schools in the country with its own women's athletic director, whose department boasts nationally-ranked field hockey and basketball teams and women's participation levels among the highest in the nation, with plans to go even further. By 1997, Iowa has declared it will be the first school in the nation to reach complete gender equity, even if it means cutting men's sports.
>
> Women athletes at Iowa are winning, thanks to a university that's acting, not reacting to Title IX.

Mr. President, it is important to note that the driving force behind not only Iowa's progress toward gender equity in athletics, but also efforts nationwide, is the University of Iowa's women's athletic director, Christine Grant. She assisted the Office of Civil Rights in drafting the original title IX guidelines that apply to women's athletics, and has testified before Congress about the need for further progress. And she led the fight to gain the Big Ten Conference decision to become the first athletic conference to adopt a position of gender equity.

Furthermore, under Christine Grant's leadership, the University of Iowa's women's teams have won or shared over a dozen Big Ten titles. In yet another first, this season, Iowa's women's athletic department has issued a nationwide challenge with the first National Women's Basketball Attendance Challenge.

Mr. President, I realize that the Flo Hyman Memorial Award given on National Girls and Women's Sports Day is presented to athletes of great achievement who have served as great role models for girls and women across the country.

But perhaps in the coming years, eligibility for this award can be expanded to include great pioneers like Christine Grant who for years have literally fought in the trenches to pave the way for a better future for American female athletes. She has provided the inspiration and the perspiration in the cause for gender equity. I hope the Women's Sports Foundation will take my suggestion under serious consideration.

Mr. President, Iowa can be proud of many, many other efforts toward encouraging and supporting female athletics. The State of Iowa fields over 2,500 girls high school teams competing in the 10 different sports. And every Iowa high school participates in at least three girls sports—softball, basketball, and volleyball. In all, these 2,500 teams provide the opportunity for 71,600 girls to participate in interscholastic athletics.

Iowa is the only State in America which sponsors high school co-ed tournaments in golf and in tennis. Also very noteworthy is the fact that this spring will mark the 75th anniversary of the Iowa Girls' High School State Basketball Tournament. Iowa girls softball, golf, and tennis celebrates their 39th anniversary; track and field its 33d; cross country its 20th; swimming its 27th; and volleyball its 25th. And all of these programs were implemented well before title IX mandated girls' activities in 1972.

Mr. President, in closing, it is abundantly clear that Iowa takes its female athletic programs very seriously, and it is a privilege today to pay tribute to Iowa's accomplishments during National Girls and Women in Sports Day.

THE DOWNWINDERS

Mr. HATCH. Mr. President, I hope my colleagues and the American people saw the ABC News show "Turning Point" last night. The show told the stories of a few of America's cold-war casualties, the downwinders. The downwinders of southern Utah are a clean-living, healthy people who were visited with a deadly, cancerous plague from the nuclear fallout blown downwind from the Nevada test site. The stories of disease and death were wrenching; the stories of Government lies, shocking. But most tragic of all, Mr. President, is the fact that the stories of the Nissons, the Jolleys, the Petersons, and the Picketts are not the only downwinder stories. No, their stories of lost loved ones are repeated hundreds, and even thousands of times, across southern Utah, across the Western States—and perhaps across the entire country.

Mr. President, Quentin Nisson was not the only one to lose a brother. Helen Jolley was not the only one to lose a husband and a son. Claudia Peterson was not the only one to lose a daughter. Elmer Pickett was not the only one to lose a wife, a sister, a niece, and so many others. And they are not the only ones who have borne their loss with dignity, and suffered their Government's indignity with grace. No, Mr. President, these qualities are a birthright of a people whose pioneer progenitors forged life out of that desert land, of a people who made the wasteland blossom into a homeland when the United States of their generation expelled them. The downwinders naturally come by a collective character as rugged as their rugged country.

The downwinders are people who have given greatly, but have expected little, from their Government. But after a generation of deaths and Government lies and denials, their pa-

tience ended. When I came to Congress in the late 1970's, I took up their fight. And after more than a decade, after lost court cases and other setbacks, the downwinders won a victory in Congress. With the passage of the Radiation Exposure Compensation Act of 1990, many of those affected by the fallout would finally receive a small measure of compensation. But to all the downwinders, there was an unprecedented provision which was apparently missed in last night's report. In the act is included a congressional apology on behalf of the Nation to all the downwinders and their families for the hardships they have endured. Mr. President, the downwinders should know that the Nation is aware of their plight and shares their sorrow. The Nation apologizes to them and their families.

And, Mr. President, as we embark on a review of other radiation victimizations, we should remember those children of pioneers who are themselves pioneers in this tragic chapter of our national life, the downwinders. I have written to Secretary O'Leary to offer my assistance, and I have been involved in other efforts to ensure that any new information about radioactive weapons tests at Dugway, UT, or further information about the downwinders, is brought to light. I plan to be involved in the process of reviewing our nuclear testing activities because of the lessons I have learned from the downwinders.

And of the many lessons we draw from their stories, we must remember in the future always to own up to the full costs of our national decisions, and to be responsible for them. Because it is right, and because, Mr. President, as we are slowly learning, and as was graphically portrayed last night, we are all, in a sense, downwinders.

A TRIP REPORT SUMMARY

Mr. PRESSLER. Mr. President, for 2 weeks in December 1993, I traveled to South Korea, Burma, India, Pakistan, and Kuwait and met with the Director-General of the International Atomic Energy Agency [IAEA] in Vienna, Austria.

Control of weapons of mass destruction, particularly nuclear weapons, is the most critical national security issue facing the United States today. A number of anti-democratic regimes—North Korea, Iran, Iraq, Libya, and Syria—are known to be developing such weapons. Concerns over the proliferation of weapons of mass destruction extend even to some democratic countries such as India and Pakistan where deep and longstanding animosities could result in renewed warfare that could become nuclear.

Finally, China in recent years has emerged as a strong destabilizing force both in its own region of east Asia and as an irresponsible supplier of weapons to rogue regimes.

The principal purpose of this trip was to study and discuss non-proliferation issues in three critical areas: North Korea, India-Pakistan, and the Middle East. Unfortunately, in all three areas, the Clinton administration's efforts have been longer on pontification and rhetoric than on performance.

A good example can be found in North Korea's nuclear program. North Korea voluntarily signed the Nuclear Non-Proliferation Treaty [NPT]. However, that country now refuses to allow the IAEA to inspect its nuclear facilities other than on a one-time basis. I met in Vienna with IAEA Director General Hans Blix. During our meeting, he urged the United States not to betray the principles of international nuclear inspection. Unfortunately, that is exactly what the Clinton administration is doing with regard to North Korea. Perhaps even more unfortunate is the administration's insistence on calling such a state of affairs "very good news."

The Clinton administration has done exactly what the IAEA opposes. It has failed in North Korea. Yet, it has declared victory and gone home. The "victory" is an agreement with the North Koreans to hold talks about a one-time inspection of seven declared nuclear sites in North Korea. There is no agreement even to talk about two other suspected, but undeclared, sites. An IAEA spokesperson has questioned this reported deal. However, it remains open to question whether the agency ultimately will succumb to pressure from the Clinton administration and bless the arrangement.

The issue remains—what to do about the intransigent and aggressive North Korean regime and its nuclear weapons program? This program poses a threat to our military personnel in South Korea. It raises in the minds of north Asian defense planners the question of whether their countries also should go nuclear. There also is the very real concern that North Korea might sell its bomb(s) and/or technology to the highest bidder. North Korea's Government sold every other modern weapons system it has developed. Do we have reason to expect a different result this time around? The answer simply is: No.

The Clinton administration also is retreating from the only significant nuclear weapons sanctions legislation ever enacted by Congress. Passed under my sponsorship in 1985, it prohibits foreign aid and military sales to Pakistan unless the President certifies, on a yearly basis, that Pakistan does not possess a nuclear explosive device. Such a law is critical given the reality that India and Pakistan have fought three wars since 1947. Nuclear war between the two countries would be catastrophic. Yet, President Clinton asks for the right to resume military sales to Pakistan—whether it makes nuclear bombs or not.

What the Clinton administration should do is make nuclear nonproliferation truly the priority it claims it is. Make an example of North Korea. That, however, would require the fortitude to put serious pressure on China to cooperate on international sanctions against North Korea. No other country has comparable influence over North Korea. Unfortunately, the Clinton administration appears to lack the political will to press the Chinese on this point.

Is it better to isolate tyrants or criticize them face-to-face? In my view, a public official gains credibility by making a visit to a non-free country rather than commenting from afar. This is particularly true for a country as troubled as Burma.

Upon gaining its independence in 1947, Burma was the richest nation in Southeast Asia. After the Burmese military imposed "The Burmese Road to Socialism," it became one of the poorest. Thirty years later, the country still is ruled by the military, this time operating under the guise of the State Law and Order Restoration Council [SLORC]. Nobel Laureate Aung San Suu Kyi continues to live under house arrest. Burma remains the world's top producer of opium. No senior officials ever seem to be prosecuted for drug-related corruption. The Clinton administration was scheduled to produce a review of its Burma policy last August. Such a review still has not been released.

The fact that such a review has not been completed by the Clinton administration is part of a pattern. It seems that the State Department, the National Security Council and other foreign policy agencies are not functioning as well as they should in the Clinton administration. I hope they institute tougher management within the administration's arms control regime and get moving on these problems.

SOUTH KOREA

South Korean Minister of Foreign Affairs Han Sung-chu is an internationally known scholar who spent 14 years in the United States, first as a college student and later as a professor. Minister Han has identified the North Korean nuclear program as one of the most pressing problems facing South Korea. However, he admitted to me that his country "doesn't have a handle on it." I asked him how we "get the North Koreans' attention." He indicated he would prefer a solution through "dialogue."

In private, South Korean officials remind visitors their capital is within range of North Korean artillery. Every Korean remembers well that Seoul experienced house-to-house fighting four times during the Korean War. No one wants a repetition of that chaos.

BURMA

The military rulers of Burma have changed the name of the country to "Myanmar" and the capital, "Rangoon," to "Yangon." Otherwise the country looks as if it has been asleep for 30 years, especially when compared to the rest of booming Southeast Asia.

Expecting any official request to visit Noble Laureate Aung San Suu Kyi to be refused, I went to her home in the hope it might not be guarded. However, the front of the house was shielded by a board fence and there were two sets of heavily armed guards. My thought was, "What a powerful woman for the government regime to fear her this much!" I then made an official request to see her when I met with Lt. General Khin Nyunt, the powerful Military Intelligence chief. The request was denied. He accused her and her supporters of being influenced by the Burmese Communist Party. However, in 1990 pro-democracy demonstrators marched past the American Embassy waving the American flag and cheering—not something commonly done by the Burmese Communist Party.

BOMBAY, INDIA

Bombay is the commercial center of India. Historically, this has not mattered much. Even though India is the second most populous country in the world, it has ranked only 30th as an export market for the United States. This is changing. The Indian elite truly were shocked by the collapse of the former Soviet Union to which the Indian economy had been linked significantly.

Today, the Bombay Stock Exchange is waking up. It currently is experiencing a boom phase following the entry of foreign institutional investors. Since January 1993, investments have totaled $650 million, mostly from the United States.

While in Bombay I met chief Minister Sharad Pawar, the equivalent of governor of the state that includes Bombay. Chief Minister Pawar was Defense Minister of India until last February. He reaffirmed how important the Pressler Amendment is to peace in South Asia. He also discussed the emerging Chinese military threat. The Chinese are bent on "domination," he warned.

NEW DELHI, INDIA

While in New Delhi, the capital of India, I met with the Prime Minister, the Vice President, the Minister of External Affairs and the Finance Minister. The principal subjects of discussion were India-Pakistan relations and the Pressler amendment. All officials with whom I met expressed their deep concern over, and opposition to, the Clinton administration's efforts to overturn the Pressler amendment.

I also raised the issue of trade between India and Pakistan. Total trade between the two countries in 1992 was approximately $140 million—essentially de minimis. I recommended to my hosts that both sides try to increase trade for both economic and political reasons. In the early days of our Republic there were substantial tensions between the United States and Canada. Now we are each other's most significant trading partner and the best of friends. Analogously, I hope India and Pakistan will become friends.

ISLAMABAD, PAKISTAN

In Islamabad, the capital of Pakistan, I met with the President, the Prime Minister, the Defense Minister, the Minister of Foreign Affairs, and the President of the Senate. Again, Pakistan-India relations and the Pressler amendment were the prime topics of conversation. I made it clear that while I view the Pressler amendment as a means to an end (non-proliferation) and not an end in itself, it serves as an important barrier to a nuclear-armed South Asia. In a lengthy meeting and dinner with Prime Minister Benazir Bhutto, I learned she and I had some mutual friends from Oxford. I felt we established something of a personal rapport, although she took a very tough line on the Pressler amendment.

KARACHI, PAKISTAN

Karachi is the commercial heart of Pakistan. I met with business leaders of Pakistan as well as representatives of American firms doing business in Pakistan. At a lunch hosted by the American Business Council of Pakistan, I met with the Pakistan representative of Citibank. Citibank has a major credit card operation in my home State of South Dakota.

KUWAIT

While in Kuwait I met with the Prime Minister and the Minister of Information to discuss security issues in the region. I also received a briefing from the commander of our forces at Camp Doha. The United States and Kuwait are engaged in the second year of a 10-year defense cooperation agreement. The United States has a certain level of supplies prepositioned in the country in case it must again be defended, and we conduct joint training exercises with Kuwaiti forces on a rotating basis.

VIENNA, AUSTRIA

In Vienna I received two briefings on nuclear non-proliferation issues. The first was from our diplomats assigned to cover these matters before the IAEA. The second was from IAEA Director-General Hans Blix and his staff. Both were excellent. Most of the conversation revolved around the then ongoing negotiations between the United States and the North Koreans over the latters' failure to live up to their commitments under the NPT. Director-General Blix made it clear these negotiations did not commit him to a specific course of action. He is determined to have nothing less than full rights for the IAEA as authorized in the NPT. He was concerned particularly that these negotiations might create a lethal precedent, that they could bind his hands with both North Korea and other emerging nuclear states, such as Iran. As of this writing, Blix has not endorsed the Clinton administration's agreement with North Korea.

FAREWELL TO A CHAMPION

Mr. ROCKEFELLER. Mr. President, I was enormously saddened this past weekend to learn of the death of a good friend and fellow West Virginian, Ned H. Guthrie, of Charleston. I have known Ned for many years, and I am most sincere when I say that without a doubt he was an incredible human being. Many in this Chamber who knew Ned Guthrie would agree that he championed a cause like no one I have ever known.

Ned first lobbied me when I was Governor of West Virginia. Of course, I already knew Ned through his reputation across the State as an accomplished musician, band leader and businessman. As a musician, he ran with the best, beginning in the 1920's with John Philip Sousa, and continuing on to include Artie Shaw, Louis Armstrong, Harry James, Billie Holliday and Jack Benny, to name just a few. His musical career spanned well over 50 years.

I fondly remember the drive and determination Ned gave his commitment to the repeal of the Lea Act, and the tenacity with which he pursued this endeavor. He finally won his fight when President Jimmy Carter signed the repeal in December 1980, and then sent Ned a letter congratulating him on a job well done. But after the repeal, there was still more to do, and Ned Guthrie was not finished.

When I arrived in the Senate 9 years ago, Ned was one of the first lobbyists to meet with me, then in his capacity as national legislative director of the American Federation of Musicians. He was still walking the halls of Congress, still waiting in reception areas, cornering Senators and Representatives whenever and wherever he found them—still fighting for bargaining rights for musicians.

It is never easy to give up friends and family—people we care about. But when we lose someone who fought so hard for that in which he believed, often overcoming great odds and adversity, fighting on when often sickness and pain would have made it so easy to give up, I can't help but believe we have lost more than family and friend. For approximately 20 years, Ned has championed the rights of musicians in this body, and the lives of musicians will be affected for years to come because of this determined and dedicated man.

Not only do I join his wonderful family, his friends and the State of West

Virginia in mourning the loss of this outstanding, fiercely-local citizen of my home State, but I suspect it will be a long time before I meet someone with more perseverance, dedication, and sense of purpose than West Virginia's Ned Guthrie.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate communities.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE MAURICE AND MANUMUSKIN RIVER AND MENANTICO CREEK IN THE STATE OF NEW JERSEY—MESSAGE FROM THE PRESIDENT—PM 82

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Energy and Natural Resources.

To the Congress of the United States:

I take pleasure in transmitting the enclosed report on the Maurice and Manumuskin River and Menantico Creek in the State of New Jersey. The report and my recommendations are in response to the provisions of the Wild and Scenic Rivers Act, Public Law 90–542, as amended. The study of the Maurice River and these two tributaries was authorized by Public Law 100–33, approved on May 7, 1987.

The study of the Maurice River and tributaries was conducted by a task force composed of representatives of affected municipalities, State and Federal agencies, organizations with river-related interests, and local residents under the leadership of the National Park Service (NPS). The NPS, together with the task force, identified the outstandingly remarkable resources within the study area, analyzed existing levels of protection for these values, investigated major issues and public concerns, assessed the attitude of riparian landowners, reviewed and analyzed the impact of existing and potential development, and developed alternative plans and management strategies.

The NPS determined that 42.4 miles of the Maurice River and its tributaries are eligible for inclusion in the National Wild and Scenic Rivers System. This is based upon their free-flowing condition and fish, wildlife, and vegetative values. There are also important cultural values and surface water quality of the Manumuskin and Menantico is very good.

In accordance with the wishes of local government, the NPS did not consider Federal land acquisition or management as an alternative for protecting river resources. Instead, the study focused on assisting the political subdivisions in developing and adopting local measures for providing resource protection where existing protection had been inadequate.

Due to strong local and congressional support, the 103d Congress proceeded to designation without waiting for submittal of the required report and Presidential recommendation. While a Presidential recommendation is now moot, I am submitting the report to fulfill the requirements of section 4(a) and sections 5(a)(96) through 5(a)(98) of the Wild and Scenic Rivers Act.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 3, 1994.*

REPORT ON THE GREAT EGG HARBOR RIVER IN THE STATE OF NEW JERSEY—MESSAGE FROM THE PRESIDENT—PM 83

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Energy and Natural Resources.

To the Congress of the United States:

I take pleasure in transmitting the enclosed report on the Great Egg Harbor River in the State of New Jersey. The report is in response to the provisions of the Wild and Scenic Rivers Act, Public Law 90–542, as amended. The Great Egg Harbor Study was authorized by Public Law 99–590, approved on October 30, 1986.

The study of the Great Egg Harbor River was conducted by a task force made up of representatives of affected municipalities, State and Federal agencies, organizations with river-related interests, and local residents under the leadership of the National Park Service. The National Park Service, together with the task force, identified the outstandingly remarkable resources within the study area, analyzed existing levels of protection for these values, investigated major issues and public concerns, assessed the attitude of riparian landowners, reviewed and analyzed the impact of existing and potential development, and developed alternative plans and management strategies.

The National Park Service determined that 129 miles of the Great Egg Harbor River and its tributaries are eligible for inclusion in the National Wild and Scenic Rivers System. This is based upon their free-flowing condition and fish, wildlife, botanic, and recreational values.

Eleven of the 12 affected local governing bodies endorsed designation of the eligible river segments. The lone exception, Upper Township on the Tuckahoe River tributary, did not take a position nor did the State of New Jersey.

Perhaps due to this overwhelming support, the 102d Congress proceeded to designation without waiting for submittal of the required report and Presidential recommendation. While a Presidential recommendation is now moot, I am submitting the report to fulfill the requirements of sections 4(a) and 5(a)(93) of the Wild and Scenic Rivers Act.

WILLIAM CLINTON.

THE WHITE HOUSE, *February 3, 1994.*

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 7:13 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 1303. An act to designate the Federal Building and United States Courthouse located at 402 East State Street in Trenton, New Jersey, as the "Clarkson S. Fisher Federal Building and United States Courthouse."

H.R. 2223. An act to designate the Federal building located at 525 Griffin Street in Dallas, Texas, as the "A. Maceo Smith Federal Building."

H.R. 2555. An act to designate the Federal building located at 100 East Fifth Street in Cincinnati, Ohio, as the "Potter Steward United States Courthouse."

H.R. 3186. An act to designate the United States courthouse located in Houma, Louisiana, as the "George Arceneaux, Jr., United States Courthouse."

H.R. 3356. An act to designate the United States courthouse under construction at 611 Broad Street, in Lake Charles, Louisiana, as the "Edwin Fort Hunter, Jr., United States Courthouse."

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. NUNN, from the Committee on Armed Services:

William J. Perry, of California, to be Secretary of Defense (Ex. Rept. No. 103–26).

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCED BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HOLLINGS (for himself, Mr. DANFORTH, Mr. INOUYE, Mr. STEVENS, Mr. EXON, Mr. PRESSLER, Mr. ROCKEFELLER, Mr. BURNS, Mr. ROBB, Mr. GORTON, Mr. DORGAN, Mr. KERREY, and Mr. KERRY):

S. 1822. A bill to foster the further development of the Nation's telecommunications infrastructure and protection of the public interest, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By MR. LIEBERMAN (for himself, Mr. KOHL, and Mr. DORGAN):

S. 1823. A bill to provide for the establishment of the Interactive Entertainment Rating Commission, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BOREN (for himself and Mr. DOMENICI):

S. 1824. A bill to improve the operations of the legislative branch of the Federal Government, and for other purposes; to the Committee on Rules and Administration.

By Mr. BUMPERS (for himself, Mr. COCHRAN, Mr. CONRAD, Mr. DORGAN, Mr. HEFLIN, Mr. BOREN, and Mr. GRAHAM):

S. 1825. A bill to authorize collection of certain State and local taxes with respect to the sale, delivery, and use of tangible personal property; to the Committee on Finance.

By Mr. KERRY (for himself, Mr. BUMPERS, Mr. BRADLEY, Mr. LEAHY, Mr. LAUTENBERG, Mr. HARKIN, Mr. CONRAD, Mr. WOFFORD, and Mr. FEINGOLD):

S. 1826. A bill to reduce the deficit for fiscal years 1994 through 1998; to the Committee on Appropriations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HOLLINGS (for himself, Mr. DANFORTH, Mr. INOUYE, Mr. STEVENS, Mr. EXON, Mr. PRESSLER, Mr. ROCKEFELLER, Mr. BURNS, Mr. ROBB, Mr. GORTON, Mr. DORGAN, Mr. KERREY, and Mr. KERRY):

S. 1822. A bill to foster the further development of the Nation's telecommunications infrastructure and protection of the public interest, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE COMMUNICATIONS ACT OF 1994

Mr. HOLLINGS. Mr. President, today I am introducing the Communications Act of 1994, the first comprehensive rewrite of communications law since the original Communications Act was passed in 1934. I am joined today by a bipartisan group of members, including the ranking Republican member of the Commerce Committee, Senator DANFORTH, the chairman of the Communications Subcommittee, Senator INOUYE, and Senators STEVENS, EXON, PRESSLER, ROCKEFELLER, BURNS, ROBB, GORTON, DORGAN, and KERREY of Nebraska, and KERRY of Massachusetts.

In the 60 years since the Communications Act of 1934 was enacted, the world has undergone many changes. Today, no longer do we have party lines on our telephones—we have private lines that link us to family members and associates around the world. Television has come into our homes, bringing us the first steps on the Moon as well as essential information during times of natural disaster. The prospect of 500 channels of video programming is on our doorstep. Satellites transmit information and voices around the world, and teach our students about people and customs that were unfamiliar to them. Who could have foreseen the development of these technologies when the 1934 Act was enacted?

Yet, the fundamental principles contained in that Act remain sound today. We must be sure that the public interest, convenience and necessity are protected. In that regard, we know that Government has an appropriate role in ensuring that consumers have access to telecommunications. While Government should not decide what technologies will be available, we must guarantee that the rules are fair and evenly applied for all players. What we need, then, is not a shift in the underlying goals of the 1934 act. Rather, what we must do is update our laws to match today's technology and our communications needs.

The Communications Act of 1994 will bring order out of chaos in the communications industry. Today, the fundamental responsibility for much policymaking in this area resides in the courts. Lawyers on all sides are filing motions, seeking delays, appealing rulings—and all the while the deployment of new technologies awaits, and better ways to communicate with each other are held up.

How can the public interest be guaranteed? The bill establishes a detailed framework to protect universal service, and allows public entities such as schools, libraries, local governments, public broadcasters and other public entities to receive preferential rates for access to the telecommunications infrastructure. When universal service and the public interest are protected, then competition will be permitted for local telephone service. The bill also restores the authority of the Federal Communications Commission [FCC] over several important policy issues that, since the breakup of AT&T, have been administered by the Federal courts.

The legislation will also speed the deployment of the national information superhighway by encouraging private investment in the Nation's telecommunications infrastructure. Vice President GORE has spoken often about the need for all Americans to be able to hook up to this superhighway, where information will be available for learning, medicine, entertainment and other parts of daily life. In addition, this superhighway will provide an opportunity for our citizens to become more informed, and therefore to participate more effectively in our democratic society.

Fundamental to this bill is the requirement that everyone will be playing by the same rules regardless of their history. If a cable operator provides telephone service, it will be regulated like all other telephone service providers. If a telephone company provides cable service, it will be treated as any other cable company. We must make sure that regulations are fair and equitable, so that those who want to offer services are not discouraged by rules that hinder their entry, and disadvantage their efforts once they are providing services. The FCC is given the flexibility to tailor its regulations to the market power of those service providers. Outmoded regulations should be streamlined or eliminated.

The bill also contains certain freedoms for telephone companies and, in particular, the Bell operating companies. The bill will permit the Bell companies to enter the field of manufacturing, which is essential to improving our Nation's international competitiveness. The Bell companies alone employ over 1 percent of this Nation's work force and have, perhaps, more expertise in advanced telecommunications technologies than any other firm. This bill will permit the Bell companies to take advantage of these tremendous assets as competition in equipment manufacturing grows.

The bill also permits the telephone companies to enter the cable television business within their regions. The Government found during the debate on the cable bill that cable prices had risen three times faster than inflation since 1986. Permitting the telephone companies into cable will stimulate greater competition to existing cable operators and help to lower prices to consumers.

The bill also gives authority over the question of long-distance entry by the Bell companies to the FCC, in consultation with the Attorney General. It is important to permit the Bell companies to enter the field of long distance once they establish that there is competition for local telephone exchange service. Although neither the Bell companies nor the long-distance industry will be completely pleased with the approach taken in this bill, the standard this bill includes establishes a reasonable policy based on competition and the public interest.

Mr. President, this area of our economy is vital to our Nation's success. Job promotion, international trade, and competitiveness are all critical issues for our future. How well we ad-

dress these telecommunications issues today will be shown in our success or failure tomorrow. We have the opportunity to assist in opening up whole new ways of relating to each other and our world. I urge my colleagues to join in this effort, which is so vital to our national well-being.

Mr. President, I ask unanimous consent that a summary of the bill, along with the text of the bill, appear in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1822

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Communications Act of 1994."

SECTION 2. FINDINGS.

The Congress finds that—

(1) Congress has not passed a broad review of the Communications Act of 1934 since that Act was originally passed;

(2) Congress must pass comprehensive communications legislation to promote the development and growth of the national information superhighway;

(3) changes in the telecommunications marketplace have made some of the provisions of the Communications Act of 1934 obsolete, unnecessary, or inimical to advances in communications technologies and services;

(4) for instance, competition has emerged in many services that were previously thought to be natural monopolies, but the Communications Act of 1934 requires all carriers to be regulated as if they were monopolies;

(5) as communications markets change, government must ensure that the public interest, convenience and necessity is preserved;

(6) the public interest requires that universal telephone service is protected and advanced, that new telecommunications technologies are deployed rapidly and equitably, and that access by schools, hospitals, public broadcasters, libraries, other public entities, community newspapers, and broadcasters in the smallest markets to advanced telecommunications services is assisted;

(7) access to basic telecommunications services is fundamental to safety of life and participation in a democratic society;

(8) telecommunications networks make substantial use of public rights of way in real property and in spectrum frequencies, and carriers that make use of such public rights of way have an obligation to provide preferential rates to entities that provide significant public benefits;

(9) advanced telecommunications services can enhance the quality of life and promote economic development and international competitiveness;

(10) telecommunications infrastructure development is particularly crucial to the continued economic development of rural areas that may lack an adequate industrial or service base for continued development;

(11) advancements in the Nation's telecommunications infrastructure will enhance the public welfare by helping to speed the delivery of new services, such as distance learning, remote medical sensing, and distribution of health information;

(12) infrastructure advancement can be assisted by joint planning and infrastructure sharing by all carriers providing communications services;

(13) increased competition in telecommunications services can, if subject to appropriate safeguards, encourage infrastructure development and have beneficial effects on the price, universal availability, variety, and quality of telecommunications services;

(14) the emergence of competition in telecommunications services has already contributed, and can be expected to continue contributing, to the modernization of the infrastructure;

(15) competition in the long distance industry and the communications equipment market has brought about lower prices and higher quality services;

(16) competition for local communications services has already begun to benefit the public; competitive access providers have deployed thousands of miles of optical fiber in their local networks; local exchange carriers have been prompted by competition to accelerate the installation of optical fiber in their own networks;

(17) electric utilities, satellite carriers, and others are prepared to enter the local telephone market over the next few years;

(18) a diversity of telecommunications carriers enhances network reliability by providing redundant capacity, thereby lessening the impact of any network failure;

(19) competition must proceed under rules that protect consumers and are fair to all telecommunications carriers;

(20) all telecommunications carriers, including competitors to the telephone companies, should contribute to universal service and should make their networks available for interconnection by others;

(21) removal of all State and local barriers to entry into the telecommunications services market and provision of national standards for interconnection are warranted after mechanisms to protect universal service and rules are established to ensure that competition develops fairly;

(22) increasing the availability of interconnection and interoperability among the facilities of telecommunications carriers will help stimulate the development of fair competition among providers;

(23) the portability of telecommunications numbers will eliminate a significant advantage held by traditional telephone companies over competitors in the provision of telecommunications services;

(24) restrictions on resale and sharing of telecommunications networks retard the growth of competition and restrict the diversity of services available to the public;

(25) additional regulatory measures are needed to allow consumers in rural markets and noncompetitive markets the opportunity to benefit from high-quality telecommunications capabilities;

(26) regulatory flexibility for existing providers of telephone exchange service is necessary to allow them to respond to competition;

(27) the Federal Communications Commission (hereinafter referred to as the ("Commission") and the states must have the flexibility to adjust their regulations to the market power of each provider of telecommunications services;

(28) the Commission should take steps to ensure network reliability and the development of network standards;

(29) access to switched, digital telecommunications service for all segments of the population promotes the core First Amendment goal of diverse information sources by enabling individuals and organizations alike to publish and otherwise make information available in electronic form;

(30) the national welfare will be enhanced if community newspapers and broadcasters in the smallest markets are provided ease of entry into the operation of information services disseminated through electronic means primarily to customers in the localities served by such newspapers and broadcasters at reasonable, nondiscriminatory rates to such newspapers;

(31) a clear national mandate is needed for full participation in access to telecommunications networks and services by individuals with disabilities;

(32) the obligations of telecommunications carriers includes the duty to furnish telecommunications services which are designed to be fully accessible to individuals with disabilities in accordance with such standards as the Commission may prescribe;

(33) permitting the Bell operating companies to enter the manufacturing market will stimulate greater research and development, create more jobs, and enhance our international competitiveness;

(34) the Bell operating companies should be permitted to provide long distance service for cable television and for cellular hand offs immediately because there is little harm, if any, that such entry could cause the public;

(35) the Bell operating companies should not be permitted to enter the market for other long distance services until they have eliminated the barriers to competition and interconnection and until the Bell operating company faces competition for local telephone service;

(36) safeguards are necessary to ensure that the Bell operating companies do not abuse their market power over local telephone service to discriminate against competitors in the markets for electronic publishing, alarm, and other information services;

(37) amending the legal barriers to the provision of video programming by telephone companies in their service areas will encourage competition to existing cable television service providers and encourage telephone companies to upgrade their telecommunications facilities to enable them to deliver video programming, as long as telephone companies are prohibited from buying or combining with existing cable companies in their telephone service areas;

(38) as communications technologies and services proliferate, consumers must be given the right to control information concerning their use of those technologies and services; and

(39) as competition in the media increases, the Commission should reexamine the need for national and local ownership limits on broadcast stations, consistent with the need to maintain diversity of information services.

SEC. 4. EFFECT ON OTHER LAW.

(a) ANTITRUST LAWS.—Nothing in this Act shall be construed to modify, impair, or supersede the applicability of any antitrust law.

(b) FEDERAL, STATE, AND LOCAL LAW.—(1) Except as provided in paragraph (2), this Act shall not be construed to modify, impair, or supersede Federal, State, or local law unless expressly so provided in this Act.

(2) This Act shall supersede State and local law to the extent that such law would impair or prevent the operation of this Act.

TITLE I—PROTECTION AND ADVANCEMENT OF UNIVERSAL SERVICE

SEC. 101. NATIONAL POLICY GOALS.

Section 1 of the Communications Act of 1934 (47 U.S.C. 151) is amended by inserting

"(a)" immediately before "For the purpose of" and by adding at the end the following new subsection:

"(b) The primary objective of United States national and international communications policy shall be to protect the public interest. The goals of United States national and international communications policy shall include the following:

"(1) to ensure that every person has access to basic telecommunications services at reasonable charges;

"(2) to promote the development and widespread availability of new technologies;

"(3) to ensure that consumers have access to diverse sources of information;

"(4) to allow each individual the opportunity to contribute to the free flow of ideas and information through telecommunications services;

"(5) to maximize the contribution of communications and information technologies and services to economic welfare and quality of life;

"(6) to protect each individual's right to control the use of information concerning his or her use of telecommunications services; and

"(7) to promote democracy.".

SEC. 102. UNIVERSAL SERVICE PROTECTION AND ADVANCEMENT.

(a) IN GENERAL—Title II of the Communications Act of 1934 (47 U.S.C. 201 et seq.) is amended by adding immediately after section 201 the following new section:

"SEC. 201A. UNIVERSAL SERVICE PROTECTION AND ADVANCEMENT.

"(a) DUTY TO CONTRIBUTE.—It shall be the duty of every common carrier engaged in intrastate, interstate, or foreign communication by wire or radio to contribute to the preservation and advancement of universal service. Such contributions can include monetary payment, certain service obligations, in-kind payment, or other forms of contribution as determined by the Commission and any State as set forth in subsections (b) and (c).

"(b) RESPONSIBILITIES OF THE COMMISSION.—(1) Within one year after the date of enactment of this section, the Commission, after receiving comment from the States, shall set forth minimum guidelines for the definition of universal service. Such guidelines shall ensure that—

"(A) universal service includes no less than voice grade telephone exchange services at a charge that includes no more than a reasonable share of the joint and common costs of facilities used to provide such services; and

"(B) any other service that utilizes such facilities shall bear a reasonable share of such costs.

The Commission shall periodically revise such guidelines.

"(2) Within 2 years after the date of enactment of this section, the Commission shall prescribe and implement regulations to provide that a charge be collected, or other action be taken, to ensure that providers of interstate telecommunications make a contribution to the protection and advancement of universal service on a competitively neutral basis. Any funds contributed under this section shall be distributed to each State.

"(c) PRIMARY RESPONSIBILITY.—(1) The Commission shall delegate to each State the primary responsibility for defining universal service and ensuring that universal service goals are met. Each State may impose a nondiscriminatory charge on intrastate telecommunications, or take other action, as the State finds necessary to protect and advance universal service.

"(2) In considering methods of protecting and advancing universal service, the State may consider assisting directly telecommunications carriers, assisting directly individuals and entities who cannot afford the cost of certain telecommunications services, assisting directly individuals or entities in purchasing or leasing equipment or programming, allowing carriers to compete for the right to obtain funding in exchange for providing certain services, and other options. To the extent that a State establishes a fund to support universal service, all provider of telecommunications services shall be eligible to receive payment from such fund.

"(3) If a State has not implemented procedures to carry out the objectives of paragraphs (1) and (2) within 2 year after the date of enactment of this section, or at any time thereafter fails to meet the objectives of such paragraphs, the Commission shall assume the primary responsibility to ensure that those objectives are met.".

(b) CONFORMING AMENDMENT.—Section 332(c)(1)(A) of the Communications Act of 1934 (47 U.S.C. 332(c)(1)(A)) is amended by inserting "201A," immediately after "section 201,".

SEC. 103. PUBLIC ACCESS.

(a) AMENDMENT.—Secton 202 of the Communications Act of 1934 (47 U.S.C. 202) is amended by adding at the end the following new subsection:

"(d) (1) Notwithstanding subsections (a) through (c), it shall be the duty of all telecommunications carriers that use public rights of way to permit educational institutions, health-care institutions, local and State governments, public broadcast stations, public libraries, other public entities, community newspapers, and broadcasters in the smallest markets to obtain access to intrastate and interstate services provided by such carriers at preferential rates. Entities that obtain services under this provision may not resell such services, except to other entitlies that are eligible for preferential rates under this subsection.

"(2) Within one year after the date of enactment of this subsection, the Commission shall prescribe regulations to enforce the provisions of this subsection.".

(b) RULEMAKING ON ADVANCED TELECOMMUNICATIONS SERVICES—The Commission shall commence a rulemaking proceeding for the purpose of prescribing regulations that—

(1) enhance, to the extent feasible, the availability of advanced telecommunications services to all public elementary and secondary school classrooms, health care institutions, and libraries; and

(2) ensure that appropriate functional requirements or performance standards, or both, including interoperability standards, are established for telecommunications arrangements that interconnect educational institutions, health care institutions, and libraries with the public switched network.

TITLE II—TELECOMMUNICATIONS INVESTMENT

SEC. 201. INFRASTRUCTURE INVESTMENT.

Title II of the Communications Act of 1934 (47 U.S.C. 301 et seq.), as amended by this Act, is further amended by adding at the and the following new section:

"SEC. 229. INFRASTRUCTURE INVESTMENT.

"(a) RURAL MARKETS AND NONCOMPETITIVE MARKETS—If State regulatory authorities fail to achieve the goal of ensuring that telecommunications carriers provide consumers in rural markets and noncompetitive markets with access to high quality, interoperable telecommunications network facilities and capabilities which—

"(1) provide subscribers with sufficient interactive bi-directional network capacity to allow access to information services that provide a combination of voice, data, image, and video; and

"(2) are widely available at reasonable nondiscriminatory rates that are based on reasonably identifiable costs of providing such services,

then the Commission may take any action necessary to achieve that goal.

"(b) FULL EFFECTUATION.—The Commission shall have the authority to preempt any State or local statute or regulation, or other State or local legal requirement, that prevents the full effectuation of the goal embodied in subsection (a).

"(c) STATE REGULATORY INCENTIVES.—The States are encouraged to implement regulatory incentives to promote the development of high quality telecommunications network facilities and capabilities. If regulatory incentives fail to result in the deployment of high quality telecommunications network facilities and capabilities in rural markets and noncompetitive markets, the States may adopt other methods to ensure that the goal of subsection (a) is achieved.

"(d) NETWORK STANDARDS AND PLANNING.—

"(1) NETWORK STANDARDS.—

"(A) INTERCONNECTION AND INTEROPERABILITY STANDARDS.—The Commission shall encourage telecommunications carriers and telecommunications equipment manufacturers to develop standards to ensure interconnection and interoperability of telecommunications networks.

"(B) INDUSTRY ASSISTANCE.—The Commission shall, when necessary, establish deadlines, create incentives, or use other mechanisms to assist the industry to develop and implement such standards.

"(C) COMMISSION AUTHORITY TO ESTABLISH STANDARDS.—The Commission may establish standards when industry participants fail to reach agreement.

"(2) NETWORK PLANNING.—

"(A) REGULATIONS ON JOINT COORDINATED ACTION.—The Commission shall prescribe regulations that permit joint coordinated network planning, design, and cooperative implementation among all telecommunications carriers in the provision of public switched network infrastructure and services.

"(B) PROCEDURES.—The Commission shall prescribe regulations establishing procedures to ensure that—

"(i) telecommunications carriers shall make available timely information to other such carriers and information service providers in the same geographic area about the deployment of telecommunications equipment, including software integral to such telecommunications equipment, including upgrades, that will affect a telecommunications carrier's or information service provider's ability to interconnect or interoperate in the same geographic area;

"(ii) telecommunications carriers shall not be required to share information required under clause (i) with anyone, including carriers with whom they directly compete, except as may be necessary to meet the interconnection and interoperability requirements set forth in this paragraph; and

"(iii) the recipient of any information described in clause (i) shall use it only for its own interconnection and interoperability.

"(3) INFRASTRUCTURE SHARING ARRANGEMENTS BETWEEN OR AMONG TELECOMMUNICATIONS CARRIERS.—

"(A) REGULATIONS REQUIRED.—The Commission shall prescribe regulations that re-

quire a local exchange carrier to share public switched network infrastructure and function with requesting telecommunications carriers lacking economies of scale or scope, as defined in subparagraph (B).

"(B) DEFINITION.—For the purposes of this paragraph, the term 'telecommunications carrier lacking economies of scale or scope' means any telecommunications carrier which serves a geographic area for which it lacks economies of scale or scope for the particular required network function.

"(C) CONTENTS OF REGULATIONS.—The regulations governing such sharing between local exchange carriers and telecommunications carries shall—

"(i) promote economically efficient decisionmaking by local exchange carriers and telecommunications carriers lacking economies of scale or scope;

"(ii) not require any local exchange carrier or telecommunications carrier lacking economies of scale or scope to make any decision that is uneconomic or adverse to the public interest;

"(iii) permit, but not require, joint ownership and operation of public switched network infrastructure and services by local exchange carriers and telecommunications carriers lacking economies of scale or scope;

"(iv) ensure that fair and reasonable terms and conditions for an in connection with the business arrangement described in this paragraph are determined by local exchange carriers and telecommunications carriers lacking economies of scale or scope in accordance with general guidelines contained in the regulations prescribed pursuant to this paragraph;

"(v) establish conditions that promote cooperation between local exchange carriers and telecommunications carriers lacking economies of scale or scope; and

"(vi) ensure that all regulatory rights and obligations for and in connection with the business arrangements described in this paragraph shall be determined exclusively in accordance with the regulations prescribed pursuant to this paragraph.

"(4) DISABILITY ACCESS.—The Commission and the States shall ensure that advances in network capabilities and telecommunications services deployed by telecommunications carriers are designed to be accessible to individuals with disabilities.

"(e) ANNUAL SURVEY.—the Commission shall publish annually a survey of the deployment of technologies on a State-by-State basis.

"(f) COST ALLOCATION REGULATIONS.—The Commission shall develop regulations, consistent with the need to protect universal service to allocate a local exchange carrier's costs of deploying of broadband telecommunications facilities between local exchange service and competitive services.".

TITLE III—REGULATORY REFORM

SEC. 301. DEFINITIONS.

Section 3 of the Communications Act of 1934 (49 U.S.C. 153) is amended by adding at the end the following new subsections:

"(hh) 'Local exchange carrier' means a provider of telephone exchange service that the Commission determines has market power.

"(ii) 'Telecommunications' means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received, by means of electromagnetic transmission, with or without benefit of any closed transmission medium, including all instrumentalities, facilities, apparatus, and services (including the receipt, switching, and delivery of such information) essential to such transmission.

"(jj) 'Telecommunications service' means the offering for profit to the public or to such classes of eligible users as to be effectively available to a substantial portion of the public of—

"(1) telecommunications facilities that (A) are owned or controlled by a provider of telephone exchange service or (B) interconnect with the network of a provider of telephone exchange service; or

"(2) telecommunications by means of such telecommunications facilities.

such term does not include information services.

"(kk) 'Telecommunications carrier' means any provider of telecommunications services, except that such term does not include hotels, motels, hospitals, and other aggregators of telecommunications services as defined in section 226.

"(ll) 'Telecommunications number portability' means the ability of users of telecommunications services to retain existing telecommunications numbers without impairment of quality, reliability, or convenience when switching from one telecommunications carrier to another.

"(mm) 'Information service' means the offering of services over common carrier transmission facilities which employ computer processing applications that act on the format, content, code, protocol or similar aspects of the subscriber's transmitted information, provide the subscriber additional, different, or restructured information, or involve subscriber interaction with stored information.

"(nn) 'Bell operating company' means any of the companies listed in appendix A of the Modification of Final Judgment, and includes any successor or assign of any such company, but does not include any affiliate of any such company.

"(oo) 'Modification of Final Judgment' means the decree entered August 24, 1982, in United States v. Western Electric, Civil Action No. 82-0192 (United States District Court, District of Columbia).".

SEC. 302. REGULATORY REFORM.

Title II of the Communications Act of 1934 (47 U.S.C. 201 et seq.), as amended by this Act, is further amended by adding at the end the following new section:

"SEC. 230. TELECOMMUNICATIONS COMPETITION.

"(a) REMOVAL OF BARRIERS TO ENTRY.—Subject to the provisions of section 301 of this Act, at such time as the regulations required by section 201A of this Act have been implemented, or 2 years after the date of enactment of this section, whichever is earlier, no State or local statute or regulation, or other State or local legal requirement, shall prohibit or have the effect of prohibiting the ability of any entity to provide interstate or intrastate telecommunications services. No State or local governmental entity may unreasonably discriminate among telecommunications carriers.

"(b) PROVISION OF TELECOMMUNICATIONS SERVICE BY OTHER UTILITIES.—Notwithstanding any other provision of law and subject to the regulatory safeguards imposed by an appropriate regulatory agency, an electric, gas, water, or steam utility may provide telecommunications services.

"(c) REGULATORY AUTHORITY.—Nothing in this section shall affect the ability of State or local officials to impose, on a competitively neutral basis, requirements necessary to preserve and advance universal service, protect the public safety and welfare, ensure the continued quality of telecommunications services, and safeguard the rights of consumers.

"(d) OBLIGATIONS OF TELECOMMUNICATIONS CARRIERS.—To the extent that they provide telecommunications services, telecommunications carriers shall be deemed common carriers under this Act. The Commission shall prescribe regulations to require each telecommunications carrier, upon bona fide request, to provide to any telecommunications equipment manufacturer or any entity seeking to provide telecommunications services or information services, on reasonable terms and conditions—

"(1) interconnection to the carrier's telecommunications facilities at any technically and economically feasible point within the carrier's network;

"(2) nondiscriminatory access to any of the carrier's telecommunications facilities and information necessary to the transmission and routing of any telecommunications service or information service and the interoperability of both carriers' networks;

"(3) nondiscriminatory access, where technically and economically feasible, to the poles, ducts, conduits, and rights of way owned or controlled by the carrier, and nondiscriminatory rates for such access;

"(4) nondiscriminatory access to the network functions of the carrier's telecommunications network, which shall be offered on an unbundled basis; and

"(5) telecommunications services and network functions without any restrictions on the resale or sharing of those services and functions.

The States may prescribe regulations implementing paragraphs (1) through (5) for intrastate services so long as such regulations are not inconsistent with those prescribed by the Commission.

"(e) CONSUMER INFORMATION.—As competition for telecommunications services develops, the Commission and State regulatory authorities shall take action to ensure that consumers are given the information necessary to make informed choices among their telecommunications alternatives.

"(f) TELECOMMUNICATIONS NUMBER PORTABILITY.—The Commission shall prescribe regulations to ensure that—

"(1) telecommunications number portability shall be available, upon request, as soon as technically feasible; and

"(2) an impartial entity shall administer telecommunications numbering and make such numbers available on an equitable basis.

"(g) RECIPROCAL COMPENSATION AGREEMENTS.—Telecommunications carriers shall compensate each other on a reciprocal and equivalent basis for termination of telecommunications services on each other's networks.

"(h) REGULATORY FLEXIBILITY FOR COMPETITIVE SERVICES.—

"(1) REGULATORY FLEXIBILITY.—In the event that a telecommunications carrier does not have market power in any or some of its telecommunications services in any or some of its geographic markets, the Commission may streamline any regulation or forbear from applying any provision of this title (except for sections 201, 201A, 202, and 208) to such a telecommunications carrier or service only if the Commission determines that—

"(A) full application of such regulation or provision is unnecessary in order to ensure that the charges, practices, classifications, or regulations for or in connection with that service are just and reasonable and are not unjustly or unreasonably discriminatory;

"(B) full application of such regulation or provision is unnecessary to achieve the goals of this Act; and

"(C) such action is consistent with the public interest and the protection of consumers.

Any finding by the Commission under section 332 that a provision of title II is inapplicable to a commercial mobile service or a provider of commercial mobile services shall be deemed also to be a determination under this paragraph that the requirements of subparagraphs (A), (B), and (C) of this paragraph are satisfied.

"(2) PRICING FLEXIBILITY.—The Commission shall and the States are encouraged to permit telecommunications carriers to have pricing flexibility in service or geographic markets that are found to be competitive. In implementing this subsection, the Commission and the States shall ensure that rates for basic telephone service and for services that are not competitive remain just and reasonable and that universal service is preserved and advanced.

"(i) RULES FOR FOREIGN OWNERSHIP.—The provisions of section 310(b) shall not apply to any lawful foreign ownership in a telecommunications carrier prior to February 1, 1994, if that carrier was not regulated as a common carrier prior to the date of enactment of this section and is deemed to be a common carrier under this Act.".

SEC. 303. IMPLEMENTING REGULATIONS.

The Commission shall, within 12 months after the date of enactment of this Act, issue regulations to implement this title. Such regulations shall take effect within 6 months after their issuance, except that the Commission may extend such effective date for up to 24 additional months for any small carrier providing telecommunications service in rural areas, upon a showing by the carrier that compliance would not be technically and economically feasible without additional time.

TITLE IV—AUTHORIZED ACTIVITIES OF BELL OPERATING COMPANIES

Subtitle A—Telecommunications Equipment Research and Manufacturing Competition

SEC. 401. SHORT TITLE.

This subtitle may be cited as the "Telecommunications Equipment Research and Manufacturing Competition Act of 1994".

SEC. 402. FINDINGS.

The Congress finds that the continued economic growth and the international competitiveness of American industry would be assisted by permitting the Bell operating companies, through their affiliates, to manufacture (including design, development, and fabrication) telecommunications equipment and customer premises equipment, and to engage in research with respect to such equipment.

SEC. 403. AMENDMENT TO COMMUNICATIONS ACT OF 1934.

Title II of the Communications Act of 1934 (47 U.S.C. 201 et seq.), as amended by this Act, is further amended by adding at the end the following new section:

"SEC. 231. REGULATION OF MANUFACTURING BY BELL OPERATING COMPANIES.

"(a) AUTHORIZATION.—Subject to the requirements of this section and the regulations prescribed thereunder, a Bell operating company, through an affiliate of that company, notwithstanding any restriction or obligation imposed before the date of enactment of this section pursuant to the Modification of Final Judgment on the lines of business in which a Bell operating company may engage, may manufacture and provide telecommunications equipment and manufacture customer premises equipment, except that neither a Bell operating company nor any of its affiliates may engage in such manufacturing in conjunction with a Bell operating company not so affiliated or any of its affiliates.

"(b) REQUIREMENT FOR SEPARATE AFFILIATE.—Any manufacturing or provision authorized under subsection (a) shall be conducted only through an affiliate (hereafter in this section referred to as a 'manufacturing affiliate') that is separate from any Bell operating company.

"(c) MANUFACTURING REGULATIONS.—The Commission shall prescribe regulations to ensure that—

"(1)(A) such manufacturing affiliate shall maintain books, records, and accounts separate from its affiliated Bell operating company, that identify all transactions between the manufacturing affiliating and its affiliated Bell operating company;

"(B) the Commission and the State commissions that exercise regulatory authority over any Bell operating company affiliated with such manufacturing affiliate shall have access to the books, records, and accounts required to be prepared under subparagraph (A); and

"(C) such manufacturing affiliate shall, even if it is not a publicly held corporation, prepare financial statements which are in compliance with Federal financial reporting requirements for publicly held corporations, file such statements with the Commission and the State commissions that exercise regulatory authority over any Bell operating company affiliated with such manufacturing affiliate, and make such statements available for public inspection;

"(2) consistent with the provisions of this section, neither a Bell operating company nor any of its nonmanufacturing affiliates shall perform sales, advertising, installation, production, or maintenance operations for a manufacturing affiliate; except that institutional advertising, of a type not related to specific telecommunications equipment, carried out by the Bell operating company or its affiliates shall be permitted if each party pays its pro rata share;

"(3)(A) such manufacturing affiliate shall conduct all of its manufacturing within the United States and, except as otherwise provided in this paragraph, all component parts of customer premises equipment manufactured by such affiliate, and all component parts of telecommunications equipment manufactured by such affiliate, shall have been manufactured within the United States;

"(B) such affiliate may use component parts manufactured outside the United States if—

"(i) such affiliate first makes a good faith effort to obtain equivalent component parts manufactured within the United States at reasonable prices, terms, and conditions; and

"(ii) for the aggregate of telecommunications equipment and customer premises equipment manufactured and sold in the United States by such affiliate in any calendar year, the cost of the components manufactured outside the United States contained in the equipment does not exceed 40 percent of the sales revenue derived from such equipment;

"(C) any such affiliate that uses component parts manufactured outside the United States in the manufacture of telecommunications equipment and customer premises equipment within the United States shall—

"(i) certify to the Commission that a good faith effort was made to obtain equivalent parts manufactured within the United States at reasonable prices, terms, and conditions, which certification shall be filed on a quarterly basis with the Commission and list component parts, by type, manufactured outside the United States; and

"(ii) certify to the Commission on an annual basis that for the aggregate of telecommunications equipment and customer premises equipment manufactured and sold in the United States by such affiliate in the previous calendar year, the cost of the components manufactured outside the United States contained in such equipment did not exceed the percentage specified in subparagraph (B)(ii) or adjusted in accordance with subparagraph (G);

"(D)(i) if the Commission determines, after reviewing the certification required in subparagraph (C)(i), that such affiliate failed to make the good faith effort required in subparagraph (B)(i) or, after reviewing the certification required in subparagraph (C)(ii), that such affiliate has exceeded the percentage specified in subparagraph (B)(ii), the Commission may impose penalties or forfeitures as provided for in title V of this Act; and

"(ii) any supplier claiming to be damaged because a manufacturing affiliate failed to make the good faith effort required in subparagraph (B)(i) may make complaint to the Commission as provided for in section 208 of this Act, or may bring suit for the recovery of actual damages for which such supplier claims such affiliate may be liable under the provisions of this Act in any district court of the United States of competent jurisdiction;

"(E) the Commission, in consultation with the Secretary of Commerce, shall, on an annual basis, determine the cost of component parts manufactured outside the United States contained in all telecommunications equipment and customer premises equipment sold in the United States as a percentage of the revenues from sales of such equipment in the previous calendar year;

"(F) a manufacturing affiliate may use intellectual property created outside the United States in the manufacture of telecommunications equipment and customer premises equipment in the United States; and

"(G) the Commission may not waive or alter the requirements of this subsection, except that the Commission, on an annual basis, shall adjust the percentage specified in subparagraph (B)(ii) to the percentage determined by the Commission, in consultation with the Secretary of Commerce, as directed in subparagraph (E);

"(4) no more than 90 percent of the equity of such manufacturing affiliate shall be owned by its affiliated Bell operating company and any affiliates of that Bell operating company;

"(5) any debt incurred by such manufacturing affiliate may not be issued by its affiliates, and such manufacturing affiliate shall be prohibited from incurring debt in a manner that would permit a creditor, on default, to have recourse to the assets of its affiliated Bell operating company's telecommunications services business;

"(6) such manufacturing affiliate shall not be required to operate separately from the other affiliates of its affiliated Bell operating company;

"(7) if an affiliate of a Bell operating company becomes affiliated with a manufacturing entity, such affiliate shall be treated as a manufacturing affiliate of that Bell operating company within the meaning of subsection (b) and shall comply with the requirements of this section;

"(B) such manufacturing affiliate shall make available, without discrimination or self-preference as to price, delivery, terms, or conditions, to all regulated local telephone exchange carriers, for use with the public telecommunications network, any telecommunications equipment, including software integral to such telecommunications equipment, including upgrades, manufactured by such affiliate so long as each such purchasing carrier—

"(A) does not either manufacture telecommunications equipment, or have a manufacturing affiliate which manufactures telecommunications equipment; or

"(B) agrees to make available, to the Bell operating company affiliated with such manufacturing affiliate or any of the requested local exchange telephone carrier affiliates of such Bell company, any telecommunications equipment, including software integral to such telecommunications equipment, including upgrades, manufactured for use with the public telecommunications network by such purchasing carrier or by any entity or organization with which such purchasing carrier is affiliated;

"(9)(A) such manufacturing affiliate shall not discontinue or restrict sales to other regulated local telephone exchange carriers of any telecommunications equipment, including software integral to such telecommunications equipment, including upgrades, that such affiliate manufactures for sale as long as there is reasonable demand for the equipment by such carriers; except that such sales may be discontinued or restricted if such manufacturing affiliate demonstrates to the Commission that it is not making a profit, under a marginal cost standard implemented by the Commission, on the sale of such equipment;

"(B) in reaching a determination as to the existence of reasonable demand as referred to in subparagraph (A), the Commission shall within 60 days consider—

"(i) whetner the continued manufacture of the equipment will be profitable;

"(ii) whether the equipment is functionally or technologically obsolete;

"(iii) whether the components necessary to manufacture the equipment continue to be available;

"(iv) whether alternatives to the equipment are available in the market; and

"(v) such other factors as the Commission deems necessary and proper;

"(10) Bell operating companies shall, consistent with the antitrust laws, engage in joint network planning and design with other regulated local telephone exchange carriers operating in the same area of interest; except that no participant in such planning shall delay the introduction of new technology or the deployment of facilities to provide telecommunications services, and agreement with such other carriers shall not be required as a prerequisite for such introduction or deployment; and

"(11) Bell operating companies shall provide, to other regulated local telephone exchange carriers operating in the same area of interest, timely information on the planned deployment of telecommunications equipment, including software integral to such telecommunications equipment, including upgrades.

"(d) TELEPHONE EXCHANGE SERVICE REGULATIONS.—

"(1) IN GENERAL.—The Commission shall prescribe regulations to require that each Bell operating company shall maintain and file with the Commission full and complete information with respect to the protocols and technical requirements for connection with and use of its telephone exchange service facilities. Such regulations shall require each such Bell company to report promptly to the Commission any material changes or planned changes to such protocols and requirements, and the schedule for implementation of such changes or planned changes.

"(2) DISCLOSURE RESTRICTION.—A Bell operating company shall not disclose to any of its affiliates any information required to be filed under paragraph (1) unless that information is immediately so filed.

"(3) COMPETITORS' ACCESS TO INFORMATION.—The Commission may prescribe such additional regulations under this subsection as may be necessary to ensure that manufacturers in competition with a Bell operating company's manufacturing affiliate have ready and equal access to the information required for such competition that such Bell company makes available to its manufacturing affiliate.

"(e) REQUIREMENTS FOR BELL OPERATING COMPANIES WITH MANUFACTURING AFFILIATE.—The Commission shall prescribe regulations requiring that any Bell operating company which has an affiliate that engages in any manufacturing authorized by subsection (a) shall—

"(1) provide, to other manufacturers of telecommunications equipment and customer premises equipment, opportunities to sell such equipment to such Bell operating company which are comparable to the opportunities which such company provides to its affiliates;

"(2) not subsidize its manufacturing affiliate with revenues from its regulated telecommunications services; and

"(3) only purchase equipment from its manufacturing affiliate at the open market price.

"(f) COLLABORATION WITH OTHER MANUFACTURERS.—A bell operating company and its affiliates may engage in close collaboration with any manufacturer of customer premises equipment or telecommunications equipment during the design and development of hardware, software, or combinations thereof relating to such equipment, consistent with subsection (e)(2).

"(g) ADDITIONAL RULES AND REGULATIONS.—The Commission may prescribe such additional rules and regulations as the Commission determines necessary to carry out the provisions of this section.

"(h) AMINISTRATION AND ENFORCEMENT.—

"(1) COMMISSION AUTHORITY.—For the purposes of administering and enforcing the provisions of this section and the regulations prescribed thereunder, the Commission shall have the same authority, power, and functions with respect to any Bell operating company as the Commission has in administering and enforcing the provisions of this title with respect to any common carrier subject to this Act.

"(2) CIVIL ACTIONS BY INJURED CARRIERS.—Any regulated local telephone exchange carrier injured by an act or omission of a Bell operating company or its manufacturing affiliate which violates the requirements of paragraph (8) or (9) of subsection (c), or the Commission's regulations implementing such paragraphs, may initiate an action in a district court of the United States to recover the full amount of damages sustained in consequence of any such violation and obtain such orders from the court as are necessary to terminate existing violations and to prevent future violations; or such regulated local telephone exchange carrier may seek relief from the Commission pursuant to sections 206 through 209.

"(i) EFFECTIVE DATES; DEADLINE.—The authority of the Commission to prescribe regulations to carry out this section is effective on the date of enactment of this section. The Commission shall prescribe such regulations within 180 days after such date of enactment, and the authority to engage in the manufacturing authorized in subsection (a) shall not take effect until regulations prescribed by the Commission under subsections (c), (d), and (e) are in effect.

"(j) EFFECT ON PREEXISTING MANUFACTURING AUTHORITY.—Nothing in this section shall prohibit any Bell operating company from engaging, directly or through any affiliate, in any manufacturing activity in which any Bell operating company or affiliate was authorized to engage on the date of enactment of this section.

"(k) ANNUAL AUDIT.—

"(1) IN GENERAL.—A Bell operating company that manufactures or provides telecommunications equipment or manufactures customer premises equipment through an affiliate shall obtain and pay for an annual audit conducted by an independent auditor selected by and working at the direction of the State Commission of each State in which such Bell company provides local exchange service, to determine whether such Bell company has complied with this section and the regulations promulgated under this section, and particularly whether such Bell company has complied with the separate accounting requirements under subsection (c)(1).

"(2) SUBMISSION OF AUDIT RESULTS.—The auditor described in paragraph (1) shall submit the results of such audit to the Commission and to the State commission of each State in which such Bell company provides telephone exchange service. Any party may submit comments on the final audit report.

"(3) PROCEDURES APPLICABLE TO AUDIT.—The audit required under paragraph (1) shall be conducted in accordance with procedures established by regulation by the State commission of the State in which such Bell company provides local exchange service, including requirements that—

"(A) the independent auditors performing such audits are rotated to ensure their independence; and

"(B) each audit submitted to the Commission and to the State commission is certified by the auditor responsible for conducting the audit.

"(4) COMMISSION REVIEW.—The Commission shall periodically review and analyze the audits submitted to it under this subsection, and shall provide to the Congress every 2 years—

"(A) a report of its findings on the compliance of the Bell operating companies with this section and the regulations promulgated thereunder; and

"(B) an analysis of the impact of such regulations on the affordability of local telephone exchange service.

"(5) ACCESS TO ACCOUNTS AND RECORDS.—For purposes of conducting audits and reviews under this subsection, an independent auditor, the Commission, and the State commission shall have access to the financial accounts and records of each Bell operating company and those of its affiliates (including affiliates described in paragraphs (6) and (7) of subsection (c)) necessary to verify transactions conducted with such Bell operating company that are relevant to the specific activities permitted under this section and that are necessary to the State's regulation of telephone rates. Each State commission shall implement appropriate procedures to ensure the protection of any proprietary

information submitted to it under this section.

"(*l*) DEFINITIONS.—As used in this section:

"(1) The term 'affiliate' means any organization or entity that, directly or indirectly, owns or controls, is owned or controlled by, or is under common ownership with a Bell operating company. Such term includes any organization or entity (A) in which a Bell operating company and any of its affiliates have an equity interest of greater than 10 percent, or a management interest of greater than 10 percent, or (B) in which a Bell operating company and any of its affiliates have any other significant financial interest.

"(2) The term 'Bell operating company' means those companies listed in appendix A of the Modification of Final Judgment, and includes any successor or assign of any such company, but does not include any affiliate of any such company.

"(3) The term 'customer premises equipment' means equipment employed on the premises of a person (other than a carrier) to originate, route, or terminate telecommunications.

"(4) The term 'manufacturing' has the same meaning as such term has in the Modification of Final Judgment as interpreted in United States v. Western Electric, Civil Action No. 82-0192 (United States District Court, District of Columbia) (filed December 3, 1987).

"(5) The term 'Modification of Final Judgment' means the decree entered August 24, 1982, in United States v. Western Electric, Civil Action No. 82-0192 (United States District Court, District of Columbia).

"(6) The term 'telecommunications' means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received, by means of an electromagnetic transmission medium, including all instrumentalities, facilities, apparatus, and services (including the collection, storage, forwarding, switching, and delivery of such information) essential to such transmission.

"(7) The term 'telecommunications equipment' means equipment, other than customer premises equipment, used by a carrier to provide telecommunications services.

"(8) The term 'telecommunications service' means the offering for hire of telecommunications facilities, or of telecommunications by means of such facilities.".

SEC. 404. INCREASED PENALTY FOR RECORD-KEEPING VIOLATIONS.

Section 220(d) of the Communications Act of 1934 (47 U.S.C. 220(d)) is amended by striking "$6,000" and inserting in lieu thereof "$10,000".

SEC. 405. APPLICATION OF ANTITRUST LAWS.

Nothing in this subtitle shall be deemed to alter the application of Federal and State antitrust laws as interpreted by the respective courts.

Subtitle B—Regulation of Alarm Services and Electronic Publishing by Bell Operating Companies

SEC. 451. REGULATION OF ENTRY INTO ALARM MONITORING SERVICES.

(a) AMENDMENT.—Title II of the Communications Act of 1934 (47 U.S.C. 201 et seq.), as amended by this Act, is further amended by adding at the end of the following new section:

"SEC. 232. REGULATION OF ENTRY INTO ALARM MONITORING SERVICES.

"(a) IN GENERAL.—Except as provided in subsection (c), no Bell operating company, or any affiliate of that company, shall provide alarm monitoring services for the protection of life, safety, or property. A Bell operating company may transport alarm monitoring service signals but on a common carrier basis only.

"(b) AUTHORITY TO PETITION.—Beginning 5½ years from the date of enactment of this section, a Bell operating company or any affiliate of that company may petition the Commission to seek permission to provide alarm monitoring services for the protection of life, safety, or property.

"(c) AUTHORITY TO PERMIT BELL OPERATING COMPANIES TO PROVIDE SERVICES.—Beginning 6 years from the date of enactment of this section, the Commission shall have the authority to permit a Bell operating company to provide alarm monitoring services for the protection of life, safety, or property; except that the Commission shall not grant such permission until—

"(1) the Department of Justice finds that there is no substantial possibility that such Bell company or its affiliates could use monopoly power to impede competition in the market such Bell company seeks to enter; and

"(2) the Commission finds that the provision of alarm monitoring services by the Bell operating company is in the public interest and that the Commission has the capability to effectively enforce any requirements, limitations, or conditions placed upon the Bell operating company in the provision of alarm monitoring services for the protection of life, safety, or property, including the regulations it has prescribed pursuant to subsection (d).

"(d) REGULATIONS REQUIRED.—Not later than 6 years after the date of enactment of this section, the Commission shall prescribe regulations—

"(1) to establish such requirements, limitations, or conditions as are (A) necessary and appropriate in the public interest with respect to the provision of alarm monitoring services by Bell operating companies and their affiliates, and (B) effective at such time as a Bell operating company or any of its affiliates is authorized to provide alarm monitoring services;

"(2) to prohibit Bell operating companies and their affiliates, at that or any earlier time after the date of enactment of this section, from recording in any fashion the occurrence or the contents of calls received by providers of alarm monitoring services for the purposes of marketing such services on behalf of the Bell operating company, any of its affiliates, or any other entity; and

"(3) to establish procedures for the receipt and review of complaints concerning violations by such companies of such regulations, or of any other provision of this Act or the regulations thereunder, that result in material financial harm to a provider of alarm monitoring services.

"(e) EXPEDITED CONSIDERATION OF COMPLAINTS.—The procedures established under subsection (d)(3) shall ensure that the Commission will make a final determination with respect to any complaint described in such subsection within 120 days after receipt of the complaint. If the complaint contains an appropriate showing that the alleged violation occurred, as determined by the Commission in accordance with such regulations, the Commission shall, within 60 days after receipt of the complaint, issue a cease and desist order to prevent the Bell operating company and its affiliates from continuing to engage in such violation pending such final determination.

"(f) REMEDIES.—The Commission may use any remedy available under title V of this Act to terminate and punish violations described in subsection (d)(2). Such remedies may include, if the Commission determines that such violation was willful or repeated, ordering the Bell operating company to cease offering alarm monitoring services.

"(g) DEFINITIONS.—As used in this section:

"(1) The term 'alarm monitoring services' means services that detect threats to life, safety, or property, by burglary, fire, vandalism, bodily injury, or other emergency, through the use of devices that transmit signals to a central point in a customer's residence, place of business, or other fixed premises which—

"(A) retransmits such signals to a remote monitoring center by means of telephone exchange service facilities, and

"(B) serves to alert persons at the monitoring center of the need to inform police, fire, rescue, or other security or public safety personnel of the threat at such premises.

Such term does not include medical monitoring devices attached to individuals for the automatic surveillance of ongoing medical conditions.

"(2) The term 'Bell operating company' has the meaning given that term in section 233 of this Act.

"(3) The term 'affiliate' means a person that (directly or indirectly) owns or controls, is owned or controlled by, or is under common ownership or control with, another person. For purposes of this paragraph, to own refers to owning an equity interest (or equivalent thereof) of more than 50 percent.".

SEC. 452. REGULATION OF ELECTRONIC PUBLISHING.

Title II of the Communications Act of 1934 (47 U.S.C. 201 et seq.), as amended by this Act, is further amended by adding at the end the following new section:

"SEC. 233. REGULATION OF ELECTRONIC PUBLISHING.

"(a) IN GENERAL.—(1) A Bell operating company and any affiliate shall not engage in the provision of electronic publishing that is disseminated by means of such Bell operating company's or any of its affiliates' basic telephone service.

"(2) Nothing in this section shall prohibit a separated affiliate or electronic publishing joint venture from engaging in the provision of electronic publishing or any other lawful service in any area.

"(3) Nothing in this section shall prohibit a Bell operating company or affiliate from engaging in the provision of any lawful service other than electronic publishing in any area or from engaging in the provision of electronic publishing that is not disseminated by means of such Bell operating company's or any of its affiliates' basic telephone service.

"(b) SEPARATED AFFILIATE OR ELECTRONIC PUBLISHING JOINT VENTURE REQUIREMENTS.—A separated affiliate or electronic publishing joint venture shall—

"(1) maintain books, records, and accounts that are separate from those of the Bell operating company and from any affiliate and which record in accordance with generally accepted accounting principles all transactions, whether direct or indirect, with the Bell operating company;

"(2) not incur debt in a manner that would permit a creditor upon default to have recourse to the assets of the Bell operating company;

"(3) prepare financial statements that are not consolidated with those of the Bell oper-

ating company or any affiliate, provided that consolidated statements may also be prepared;

"(4) file with the Commission annual reports in a form substantially equivalent to the Form 10–K referenced at 17 C.F.R. 249.310 as that section and form are in effect on the date of enactment;

"(5) after 1 year from the effective date of this section, not hire as corporate officers sales and marketing management personnel whose responsibilities at the separated affiliate or electronic publishing joint venture will include the geographic area where the Bell operating company provides basic telephone service, or network operations personnel whose responsibilities at the separated affiliate or electronic publishing joint venture would require dealing directly with the Bell operating company, any person who was employed by the Bell operating company during the year preceding their date of hire, provided that this requirement shall not apply to persons subject to a collective bargaining agreement that gives such persons rights to be employed by a separated affiliate or electronic publishing joint venture of the Bell operating company;

"(6) not provide any wireline telephone exchange service in any telephone exchange area where a Bell operating company with which it is under common ownership or control provides basic telephone exchange service except on a resale basis;

"(7) not use the name, trademarks, or service marks of an existing Bell operating company except for names or service marks that are or were used in common with the entity that owns or controls the Bell operating company;

"(8) have performed annually by March 31, or any other date prescribed by the Commission, a compliance review which—

"(A) must be conducted by an independent entity which is subject to professional, legal, and ethical obligations for the purpose of determining compliance during the preceding calendar year with any provision of this section that imposes a requirement on such separated affiliate or electronic publishing joint venture; and

"(B) must be maintained by the separated affiliate for a period of 5 years subject to review by any lawful authority; and

"(9) within 90 days of receiving a review described in paragraph (8), file a report of such exceptions and any corrective action with the Commission and allow any person to inspect and copy such report subject to reasonable safeguards to protect any proprietary information contained in such report from being used for purposes other than to enforce or pursue remedies under this section.

"(c) BELL OPERATING COMPANY REQUIREMENTS.—A bell operating company under common ownership or control with a separated affiliate or electronic publishing venture shall—

"(1) not provide a separated affiliate any facilities, services or basic telephone service information unless it makes such facilities, services, or information available to unaffiliated entities upon request and on the same terms and conditions;

"(2) carry out transactions with a separated affiliate in a manner equivalent to the manner that unrelated parties would carry out independent transactions and not based upon the affiliation;

"(3) carry out transactions with a separated affiliate, which involve the transfer of personnel, assets, or anything of value, pursuant to written contracts or tariffs that are filed with the Commission and made publicly available;

"(4) carry out transactions with a separated affiliate in a manner that is auditable in accordance with generally accepted accounting principles;

"(5) value any assets that are transferred to a separated affiliate at the greater of net book cost or fair market value;

"(6) value any assets that are transferred to it by its separated affiliate at the lesser of net book cost or fair market value;

"(7) except for—

"(A) instances where Commission or State regulations permit in-arrears payment for tariffed telecommunications services; or

"(B) the investment by an affiliate of dividends or profits derived from a Bell operating company,

not provide debt or equity financing directly or indirectly to a separated affiliate;

"(8) comply fully with all applicable Commission and State cost allocation and other accounting rules;

"(9) have performed annually by March 31, or any other date prescribed by the Commission, a compliance review which——

"(A) must be conducted by an independent entity which is subject to professional, legal, and ethical obligations for the purpose of determining compliance during the preceding calendar year with any provision of this section that imposes a requirement on such Bell operating company; and

"(B) must be maintained by the Bell operating company for a period of 5 years subject to review by any lawful authority;

"(10) within 90 days of receiving a review described in paragraph (9), file a report of such exceptions and any corrective action with the Commission and allow any person to inspect and copy such report subject to reasonable safeguards to protect any proprietary information contained in such report from being used for purposes other than to enforce or pursue remedies under this section;

"(11) if it provides facilities or services for telecommunication, transmission, billing and collection, or physical collocation to any electronic publisher, including a separated affiliate, for use with or in connection with the provision of electronic publishing that is disseminated by means of such Bell operating company's or any of its affiliates' basic telephone service, provide to all other electronic publishers the same type of facilities and services on request, on the same terms and conditions or as required by the Commission or a State, and unbundled and individually tariffed to the same extent as provided to such publisher;

"(12) provide network access and interconnections for basic telephone service to electronic publishers at prices that are regulated so long as the prices for these services are subject to regulation;

"(13) if prices for network access and interconnection for basic telephone service are no longer subject to regulation, provide electronic publishers such services on the same terms and conditions as a separated affiliate receives such services;

"(14) if any basic telephone service used by electronic publishers ceases to require a tariff, provide electronic publishers with such service on the same terms and conditions as a separated affiliate receives such service;

"(15) provide reasonable advance notification at the same time and on the same terms to all affected electronic publishers of information relating to changes in basic telephone service network design and technical standards which would affect the provision of electronic publishing;

"(16) not directly or indirectly provide anything of monetary value to a separated affiliate unless in exchange for consideration at least equal to the greater of its net book cost or fair market value, except the investment by an affiliate of dividends or profits derived from a Bell operating company;

"(17) not discriminate in the presentation or provision of any gateway for electronic publishing services or any electronic directory of information services, which is provided over such Bell operating company's basic telephone service;

"(18) have no directors, officers, or employees in common with a separated affiliate;

"(19) not own any property in common with a separated affiliate;

"(20) not perform hiring or training of personnel performed on behalf of a separated affiliate;

"(21) not perform the purchasing, installation, or maintenance of equipment on its behalf of a separated affiliate, except for telephone service that it provides under tariff or contract subject to the provisions of this section; and

"(22) not perform research and development on behalf of a separated affiliate.

"(d) CUSTOMER PROPRIETARY NETWORK INFORMATION.—A Bell operating company or any affiliate shall not provide to any electronic publisher, including a separated affiliate or electronic publishing joint venture, customer proprietary network information for use with or in connection with the provision of electronic publishing that is disseminated by means of such Bell operating company's or any of its affiliates' basic telephone service that is not made available by the Bell operating company or affiliate to all electronic publishers on the same terms and conditions.

"(e) COMPLIANCE WITH SAFEGUARDS.—A Bell operating company, affiliate or its separated affiliate is prohibited from acting in concert with another Bell operating company or any entity in order to knowingly and willfully violate or evade the requirements of this section.

"(f) TELEPHONE OPERATING COMPANY DIVIDENDS.—Nothing in this section shall prohibit an affiliate from investing dividends derived from a Bell operating company in its separated affiliate and subsections (i) and (j) of this section shall not apply to any such investment.

"(g) JOINT MARKETING, ETC.—Except as provided in subsection (h)—

"(1) A Bell operating company shall not carry out any promotion, marketing, sales, or advertising for or in conjunction with a separated affiliate.

"(2) A Bell operating company shall not carry out any promotion, marketing, sales, or advertising or in conjunction with an affiliate that is related to the provision of electronic publishing.

"(h) PERMISSIBLE JOINT ACTIVITIES.—

"(1) JOINT TELEMARKETING.—A Bell operating company may provide inbound telemarketing or referral services related to the provision of electronic publishing for a separated affiliate, electronic publishing joint venture, affiliate, or unaffiliated electronic publisher, provided that if such services are provided to a separated affiliate, electronic publishing joint venture, or affiliate, such services shall be made available to all electronic publishers on request, on nondiscriminatory terms, at compensatory prices, and subject to regulations of the Commission to ensure that the Bell operating company's method of providing telemarketing or referral and its price structure do not competitively disadvantage any electronic publishers regardless of size, including those which

do not use the Bell operating company's telemarketing services.

"(2) TEAMING ARRANGEMENTS.—A Bell operating company may engage in nondiscriminatory teaming or business arrangements to engage in electronic publishing with any separated affiliate or with any other electronic publisher provided that the Bell operating company only provides facilities, services, and basic telephone service information as authorized by this section and provided that the Bell operating company does not own such teaming or business arrangement.

"(3) ELECTRONIC PUBLISHING JOINT VENTURES.—A Bell operating company or affiliate may participate on a nonexclusive basis in electronic publishing joint ventures with entities that are not any Bell operating company, affiliate, or separated affiliate to provide electronic publishing services, provided that the Bell operating company or affiliate has not more than a 50 percent direct or indirect equity interest (or the equivalent thereof) or the right to more than 50 percent of the gross revenues under a revenue sharing or royalty agreement in any electronic publishing joint venture. Officers and employees of a Bell operating company or affiliate participating in an electronic publishing joint venture may not have more than 50 percent of the voting control over the electronic publishing joint venture. In the case of joint ventures with small, local electronic publishers, the Commission for good cause shown may authorize the Bell operating company or affiliate to have a larger equity interest, revenue share, or voting control but not to exceed 80 percent. A Bell operating company participating in an electronic publishing joint venture may provide promotion, marketing, sales, or advertising personnel and services to such joint venture.

"(i) TRANSACTIONS RELATED TO THE PROVISION OF ELECTRONIC PUBLISHING BETWEEN A TELEPHONE OPERATING COMPANY AND ANY AFFILIATE.—

"(1) Any provision of facilities, services, or basic telephone service information or any transfer of assets, personnel, or anything of commercial or competitive value from a Bell operating company to any affiliate related to the provision of electronic publishing shall be—

"(A) recorded in the books and records of each entity;

"(B) auditable in accordance with generally accepted accounting principles; and

"(C) pursuant to written contracts or tariffs filed with the Commission or a State and made publicly available.

"(2) Any transfer of assets directly related to the provision of electronic publishing from a Bell operating company to an affiliate shall be valued at the greater of net book cost or fair market value. Any transfer of assets related to the provision of electronic publishing from an affiliate to the Bell operating company shall be valued at the lesser of net book cost or fair market value.

"(3) A Bell operating company shall not provide an affiliate any facilities, services, or basic telephone service information related to the provision of electronic publishing, which such affiliate then directly or indirectly provides to a separated affiliate, and which is not made available to unaffiliated companies on the same terms and conditions.

"(j) TRANSACTIONS RELATED TO THE PROVISION OF ELECTRONIC PUBLISHING BETWEEN AN AFFILIATE AND A SEPARATED AFFILIATE.—

"(1) Any facilities, services, or basic telephone service information provided or any assets, personnel, or anything of commercial or competitive value transferred, from a Bell operating company to any affiliate as described in subsection (i) and then provided or transferred to a separated affiliate shall be—

"(A) recorded in the books and records of each entity;

"(B) auditable in accordance with generally accepted accounting principles; and

"(C) pursuant to written contracts or tariffs filed with the Commission or a State and made publicly available.

(2) Any transfer of assets directly related to the provision of electronic publishing from a Bell operating company to any affiliate as described in subsection (i) and then transferred to a separated affiliate shall be valued at the greater of net book cost or fair market value. Any transfer of assets related to the provision of electronic publishing from a separated affiliate to any affiliate and then transferred to the Bell operating company as described in subsection (i) shall be valued at the lesser of net book cost or fair market value.

(3) An affiliate shall not provide a separated affiliate any facilities, services, or basic telephone service information related to the provision of electronic publishing, which were provided to such affiliate directly or indirectly by a Bell operating company, and which is not made available to unaffiliated companies on the same terms and conditions.

"(k) OTHER ELECTRONIC PUBLISHERS.—Except as provided in subsection (h)(3)—

(1) A Bell operating company shall not have any officers, employees, property, or facilities in common with any entity whose principal business is publishing of which a part is electronic publishing.

(2) No officer or employee of a Bell operating company shall serve as a director of any entity whose principal business is publishing of which a part is electronic publishing.

"(3) For the purposes of paragraphs (1) and (2), a Bell operating company or an affiliate that owns an electronic publishing joint venture shall not be deemed to be engaged in the electronic publishing business solely because of such ownership.

"(4) A Bell operating company shall not carry out—

"(A) any marketing or sales for any entity that engages in electronic publishing; or

"(B) any hiring of personnel, purchasing, or production, for any entity that engages in electronic publishing.

"(5) The Bell operating company shall not provide any facilities, services, or basic telephone service information to any entity that engages in electronic publishing, for use with or in connection with the provision of electronic publishing that is disseminated by means of such Bell operating company's or any of its affiliates' basic telephone service, unless equivalent facilities, services, or information are made available on equivalent terms and conditions to all.

"(l) TRANSITION.—Any electronic publishing service being offered to the public by a Bell operating company or affiliate on the date of enactment of this section shall have one year from such date of enactment to comply with the requirements of this section.

"(m) SUNSET.—The provisions of this section shall cease to apply to a Bell operating company or its affiliate or separated affiliate in any telephone exchange area on June 30, 2000.

"(n) PRIVATE RIGHT OF ACTION.—

"(1) Any person claiming that any act or practice of any Bell operating company, affiliate, or separated affiliate constitutes a violation of this section may file a complaint with the Commission or bring suit as provided in section 207 of this Act, and such Bell operating company, affiliate, or separated affiliate shall be liable as provided in section 206 of this Act: *Provided, however,* That damages may not be awarded for a violation that is discovered by a compliance review as required by subsection (b)(8) or (c)(9) of this section and corrected within 90 days.

"(2) In addition to the provisions of paragraph (1), any person claiming that any act or practice of any Bell operating company, affiliate, or separated affiliate constitutes a violation of this section may make application to the Commission for an order to cease and desist such violation or may make application in any district court of the United States of competent jurisdiction for an order enjoining such acts or practices or for an order compelling compliance with such requirement.

"(o) ANTITRUST LAWS.—Nothing in this section shall be construed to modify, impair, or supersede the applicability of any of the antitrust laws.

"(p) DEFINITIONS.—As used in this section—

"(1) The term 'affiliate' means any entity that, directly or indirectly, owns or controls, is owned or controlled by, or is under common ownership or control with, a Bell operating company. Such term shall not include a separated affiliate.

"(2) The term 'basic telephone service' means wireline telephone exchange service provided by a Bell operating company in a telephone exchange area, except—

"(A) a competitive wireline telephone exchange service provided in a telephone exchange area where another entity provides a wireline telephone exchange service that was provided on January 1, 1984; and

"(B) wireless telephone exchange service provided by an affiliate that is required by the Commission to be a corporate entity separate from the Bell operating company.

"(3) The term 'basic telephone service information' means network and customer information of a Bell operating company and other information acquired by a Bell operating company as a result of its engaging in the provisions of basic telephone service.

"(4) The term 'control' has the meaning that it has in 17 C.F.R. 240.12b-2, the regulations promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) or any successor provision to such section.

"(5) The term 'customer proprietary network information' means—

"(A) information which—

"(i) relates to the quantity, technical configuration, type, destination, and amount of use of telephone exchange service or interexchange telephone service subscribed to by any customer of a Bell operating company, and

"(ii) is available to the Bell operating company by virtue of the telephone company-customer relationship; and

"(B) information contained in the bills for telephone exchange service or interexchange telephone service received by a customer of a Bell operating company.

"(6)(A) The term 'electronic publishing' means the dissemination, provision, publication, or sale by a provider or publisher to an unaffiliated entity or person using a Bell operating company's local exchange facility of any information which the provider or publisher has or has caused to be originated, authored, compiled, collected, or edited or in which the provider or publisher has direct or

indirect financial or proprietary interest, including but not limited to the following:

"(i) news or entertainment;

"(ii) business, financial, legal, consumer, or credit material;

"(iii) editorials;

"(iv) columns;

"(v) sports reporting;

"(vi) features;

"(vii) advertising;

"(viii) photos or images;

"(ix) archival or research material;

"(x) legal notices or public records;

"(xi) scientific, educational, instructional, technical, professional, trade, or other literary materials; or

"(xii) other like or similar information.

"(B) The term 'electronic publishing' shall not include the following network services:

"(i) Information access as that term is defined by the Modification of Final Judgment.

"(iii) The transmission of information as a common carrier.

"(iii) The transmission of information as part of a gateway to an information service that does not involve the generation or alteration of the content of information, including data transmission, address translation, protocol conversion, billing management, introductory information content, and navigational systems that enable users to access electronic publishing service, which do not affect the presentation of such electronic publishing services to users.

"(vi) Voice storage and retrieval services, including voice message and electronic mail services.

"(v) Level 2 gateway services as those services are defined by the Commission's Second Report and order, Recommendation to Congress and Second Further Notice of Proposed Rulemaking in CC Docket No. 87-266 dated August 14, 1992.

"(vi) Data processing services that do not involve the generation or alteration of the content of information.

"(vii) Transaction processing systems that do not involve the generation or alteration of the content of information.

"(viii) Electronic billing or advertising of a Bell operating company's regulated telecommunications services.

"(ix) Language translation.

"(x) Conversion data from one format to another.

"(xi) The provision of information necessary for the management, control, or operation of a telephone company telecommunication system.

"(xii) The provision of directory assistance that provides names, addresses, and telephone numbers and does not include advertising.

"(xiii) Caller identification services.

"(xiv) Repair and provisioning databases for telephone company operations.

"(xv) Credit card and billing validation for telephone company operations.

"(xvi) 911-E and other emergency assistance databases.

"(xvii) Any other network service of a type that is like or similar to these network services and that does not involve the generation or alteration of the content of information.

"(xviii) Any upgrades to these network services that do not involve the generation or alteration of the content of information.

"(C) The term 'electronic publishing' also shall not include—

"(i) full motion video entertainment on demand; and

"(ii) video programming as defined in section 602 of this Act.

"(7) The term 'electronic publishing joint venture' means a joint venture owned by a Bell operating company or affiliate that engages in the provision of electronic publishing which is disseminated by means of such Bell operating company's or any of its affiliates' basic telephone service.

"(8) The term 'entity' means any organization, and includes corporations, partnerships, sole proprietorships, associations, and joint ventures.

"(9) The term 'inbound telemarketing' means the marketing of property, goods, or services by telephone to a customer or potential customer who initiated the call.

"(10) The term 'own' with respect to an entity means to have a direct or indirect equity interest (or the equivalent thereof) of more than 10 percent of an entity, or the right to more than 10 percent of the gross revenues of an entity under a revenue sharing or royalty agreement.

"(11) The term 'separated affiliate' means a corporation under common ownership or control with a Bell operating company that does not own or control with a Bell operating company and is not owned or controlled by a Bell operating company and that engages in the provision of electronic publishing which is disseminated by means of such Bell operating company's or any of its affiliates' basic telephone service.

"(12) The term "Bell operating company' means the corporations subject to the Modification of Final Judgment and listed in Appendix A thereof, or any entity owned or controlled by such corporation, or any successor or assign of such corporation, but does not include an electronic publishing joint venture owned by such corporation or entity.".

Subtitle C—Information Services

SEC. 491. PROVISION OF INFORMATION SERVICES.

Title II of the Communications Act of 1934 (47 U.S.C. 201 et seq.), as amended by this Act, is further amended by adding at the end the following new section:

"SEC. 234. PROVISION OF INFORMATION SERVICES

"(a) PROVISION OF GATEWAY SERVICE.—Unless expressly provided elsewhere in this Act, any Bell operating company or affiliate thereof that offers a gateway service make such service available concurrently to all of its subscribers under nondiscriminatory rates, terms, and conditions, and shall offer gateway service functions to all providers of information services on nondiscriminatory rates, terms, and conditions.

"(b) PREVENTION OF CROSS-SUBSIDIES.—In addition to regulations on cross-subsidization that are prescribed under other provisions of this Act, the Commission shall prescribe cost allocation regulations to prevent any Bell operating company or affiliate that offers services that have market power from using revenues from such services to subsidize competitive information services.

"(c) RESTRICTION ON STATE REGULATION.—Notwithstanding section 2(b) of this Act, a State may not regulate the rates, terms, or conditions for the offering of information services, except as provided in title VI.

"(d) DEFINITIONS.—As used in this section:

"(1) The term 'Bell operating company' has the meaning given that term under section 231.

"(2) The term 'gateway service' means an information service that, at the request of the provider of an electronic publishing service or other information service, provides a subscriber with access to such electronic publishing service or other information service, utilizing the following functions: data transmission, address translation, billing information, protocol conversion, and introductory information content.

"(3) The term 'affiliate' has the meaning given that term under section 236 of this Act."

Subtitle D—InterLATA Telecommunications Services

SEC. 481. INTERLATA TELECOMMUNICATIONS SERVICES.

Title II of the Communications Act of 1934 (47 U.S.C. 201 et seq.), as amended by this Act, is further amended by adding at the end the following new section:

"SEC. 235. INTERLATA TELECOMMUNICATIONS SERVICES.

"(a) AUTHORITY.—Notwithstanding any restriction or obligation imposed before the date of enactment of this section pursuant to section II(D) of the Modification of Final Judgment, a Bell operating company may engage in the provision of interLATA telecommunications services subject to the requirements of this section and any regulations prescribed thereunder. No Bell operating company or affiliate of a Bell operating company shall engage in the provision of interLATA telecommunications services, except as provided in this section

"(b) CURRENTLY AUTHORIZED ACTIVITIES.—Subsection (a) shall not prohibit a Bell operating company from engaging, at any time after the date of enactment of this section, in any activity as authorized by an order entered by the United States District Court for the District of Columbia pursuant to section VIII(C) of the Modification of Final Judgment if such order was entered on or before such date of enactment.

"(c) PETITION FOR AUTHORITY.—

"(1) IN GENERAL.—A Bell operating company or its affiliate may petition the Commission for authority to provide interLATA telecommunications services. The petition shall describe with particularity the nature and scope of each proposed interLATA telecommunications service, and of each product market or service market, and each geographic market, for which authorization is sought.

"(2) REQUIRED SHOWING FOR IN-MARKET SERVICES.—The Commission may, after consultation with the Attorney General, and on the record after opportunity for a hearing in which the public has an opportunity to participate, grant a petition for authority to offer an interLATA telecommunications service to be originated, terminated, or otherwise provided in any area in which the petitioner or its affiliate provides telephone exchange or exchange access services, only if—

"(A) the showing required by paragraph (3) is made;

"(B) all the regulations required by section 230 have been prescribed by the Commission, and each relevant State certifies and the Commission finds that the petitioning Bell operating company or its affiliate is providing telephone exchange and exchange access service in the relevant telephone exchange or exchange access market in full compliance with such regulations; and

"(C) the Commission finds, after receiving factual evidence submitted by the State, that there is actual and demonstrable competition to the Bell operating company's telephone exchange and exchange access services in each relevant area, based on the requirement that actual and demonstrable competition exists when telephone exchange and exchange access services—

"(i) are available from at least one provider that is unaffiliated with the petitioning Bell operating company or its affiliates;

"(ii) offered predominantly over facilities not owned or controlled by the Bell operating company or its affiliates and are comparable in geographic range, function, quality, and price to the service offered by the petitioning Bell operating company or its affiliate; and

"(iii) subscribed to by a significant number of persons in each relevant area.

"(3) REQUIRED SHOWING FOR OUT-OF-MARKET SERVICES.—The Commission may, after consultation with the Attorney General, and on the record after opportunity for a hearing in which the public has an opportunity to participate, grant authority to a petitioning Bell operating company or its affiliate to provide interLATA telecommunications services not described in paragraph (2), upon a showing by the petitioner that there is no substantial possibility that the Bell operating company or its affiliates could use market power in a telephone exchange and exchange access service market to impede competition in the interLATA telecommunications services market that the petitioner seeks to enter.

"(4) INTERLATA TELECOMMUNICATIONS SERVICE SAFEGUARDS.—

"(A) SEPARATE SUBSIDIARY; FULFILLMENT OF CERTAIN REQUESTS.—Other than interLATA services authorized by an order entered by the United States District Court for the District of Columbia pursuant to section VIII(C) of the Modification of Final Judgment before the date of the enactment of this section, a Bell operating company or an affiliate thereof providing interLATA services authorized under this subsection shall do so through a separate subsidiary as specified in section 236. Such separate subsidiary shall—

"(i) fulfill any requests from an unaffiliated entity for exchange access service within a period no longer than that in which it provides such exchange access service to itself or to its affiliates;

"(ii) fulfill any such requests with exchange access service of a quality that meets or exceeds the quality of exchange access services provided by the Bell operating company or its affiliates to itself or its affiliate; and

"(iii) provide exchange access at rates to all interLATA carriers at rates that are not unreasonably discriminatory.

"(B) COMMISSION ACTION ON COMPLAINTS.—With respect to any complaint brought under section 208 alleging a violation of this section or the regulations implementing it, the Commission shall issue a final order within 1 year after such complaint is filed.

"(d) ADDITIONAL INTERLATA AUTHORITY ASSOCIATED WITH CABLE TELEVISION SERVICE.—

"(1) AUTHORITY.—Notwithstanding subsection (c), a Bell operating company or its affiliate may—

"(A) own and operate receive-only antennas, satellite master antenna television facilities, and satellite earth stations, solely for the purpose of providing cable service;

"(B) own and operate interLATA distribution facilities solely for the purpose of providing cable service; and

"(C) engage in interLATA telecommunications service for the purpose of one-way transmission of video and audio programming solely for cable service.

"(2) RESTRICTION.—A Bell operating company may own and operate the antennas, stations, and facilities described in paragraph (1) (A) and (B) only through one or more affiliates that are totally separate from the Bell operating company's local exchange company.

"(e) ADDITIONAL AUTHORITY TO PROVIDE INTERLATA SERVICES RELATING TO CELLULAR MOBILE RADIO SERVICES.—

"(1) AUTHORITY.—A Bell operating company or its cellular affiliate may provide the interLATA services authorized under this section solely as necessary to provide cellular mobile radio services.

"(2) INTERSYSTEM HANDOFF.—A Bell operating company or its cellular affiliate may provide intersystem handoff, across LATA boundaries, of cellular mobile radio transmissions between adjacent cellular systems, including the provision of such transmission facilities as are necessary to allow the continuation of calls in progress without interruption or degradation of service due to the movement of the mobile telephone unit or the characteristics of radio propagation.

"(3) AUTOMATIC CALL DELIVERY.—A Bell operating company or its cellular affiliate may provide the routing of cellular transmissions between its cellular system and a cellular system located in another LATA, for purposes of completing a call to one of its out-of-region cellular customers.

"(4) USE OF LEASED FACILITIES.—Facilities necessary for intersystem handoff across LATA boundaries or interLATA routing of cellular transmissions, as permitted under paragraphs (2) and (3), shall be leased by a Bell operating company or its cellular affiliate from a carrier (other than a Bell operating company or its affiliate) authorized to provide interLATA telecommunications.

"(5) EQUAL ACCESS AND PRESUBSCRIPTION.—Notwithstanding any restriction or obligation imposed pursuant to the Modification of Final Judgment before the date of enactment of this section, the Commission shall prescribe uniform equal access and long distance presubscription requirements for providers of all cellular and two-way wireless services.

"(d) DEFINITIONS.—As used in this section:

"(1) The term 'LATA' means the local access and transport area as defined in United States v. Western Electric Co., 569 F.Supp. 990 (United States District Court, District of Columbia) and subsequent judicial orders relating thereto.

"(2) The term 'cable service' has the meaning given that term under section 602.".

SEC. 482. JURISDICTION.

Section 2(b) of the Communications Act of 1934 (47 U.S.C. 153) is amended by striking "section 332" and inserting in lieu thereof "sections 229, 230, 234, 235, 237, and 332".

TITLE V—REGULATORY PARITY BETWEEN TELEPHONE AND CABLE COMPANIES

SEC. 501. OWNERSHIP AND CONTROL OF CABLE TELEVISION SYSTEMS AND TELEPHONE COMPANIES.

Section 613(b) of the Communications Act of 1934 (47 U.S.C. 533(b)) is amended to read as follows:

"(b)(1)(A) No local exchange carrier, subject in whole or in part to title II of this Act, nor any affiliate of such carrier, owned by, operated by, controlled by, or under common control with such carrier, may—

"(i) purchase or otherwise acquire, directly or indirectly, more than a 5 percent financial interest, any management interest, or any other interest, in any cable system that is providing service within the carrier's telephone exchange service area and is owned by an unaffiliated person; or

"(ii) enter into any joint venture or partnership with a cable operator to provide video programming to subscribers within such telephone exchange service area.

"(B) A local exchange carrier shall not provide video programming directly to subscribers in its telephone exchange service area unless—

"(i) such video programming is provided through a separate subsidiary as set forth in section 236; and

"(ii) the Commission finds that the local exchange carrier offers service in full compliance with the regulations prescribed under section 230 in the geographic area in which it seeks to provide video programming.

"(C) A local exchange carrier that provides video programming directly to subscribers is a cable operator as defined in section 602.

"(D) A local exchange carrier shall not engage in practices prohibited by the Commission or by a State (including but not limited to the improper assignment of costs) that subsidize directly or indirectly its video programming operations.

"(E) Subparagraphs (A) and (B) shall not apply to a local exchange carrier to the extent that such carrier provides telephone exchange service in an area to which an exemption applies under section 63.58 of title 47, Code of Federal Regulations (as in effect on the date of enactment of the Communications Act of 1994).

"(F) Upon a showing that a local exchange carrier has no market power in its telephone service area, the Commission shall exempt the carrier from the provisions of subparagraphs (B) and (D).

"(2)(A) A cable operator shall not provide telecommunications services directly to subscribers in its cable service area unless such telecommunications services are provided through a separate subsidiary.

"(B) No cable operator, nor any affiliate of such cable operator, owned by, operated by, controlled by, or under common ownership with such cable operator, may—

"(i) purchase or otherwise acquire, directly or indirectly, more than a 5 percent financial interest, any management interest, or any other interest, in any local exchange carrier that is providing local exchange service within the local cable operator's service area; or

"(ii) enter into any joint venture or partnership with such local exchange carrier, unless—

"(I) the joint venture of partnership advances the objectives of local competition by promoting or increasing telecommunications competition over facilities separate from the local exchange carriers' facilities in the local exchange carrier's service area; and

"(II) the local exchange carrier's interest in such competing telecommunications services provider does not retard the competing provider's incentives to compete.

"(C) A cable operator shall not engage in practices prohibited by the Commission or by a State (including but not limited to the improper assignment of costs) that subsidize directly or indirectly its telecommunications services.

"(D) Upon a showing that a cable operator has no market power in its cable service area, the Commission shall exempt the cable operator from the provisions of subparagraphs (A), (B), and (C).".

SEC. 502. CONSUMER AND COMPETITIVE SAFEGUARDS.

Title II of the Communications Act of 1934 (47 U.S.C. 201 et seq.), as amended by this Act, is further amended by adding at the end the following new section:

"SEC. 236. CONSUMER AND COMPETITIVE SAFEGUARDS.

"(a) SEPARATE SUBSIDIARY.—

"(1) IN GENERAL.—Any subsidiary required by section 235 or 613(b)(1) shall, at a mini-

mum, be separated from a local exchange carrier, in accordance with the requirements of this subsection and the regulations prescribed by the Commission to carry out this subsection.

"(2) TRANSACTION REQUIREMENTS.—Any transaction between such a subsidiary and any local exchange carrier and any other affiliate of the carrier shall not be based upon any preference or discrimination in favor of the subsidiary arising out of the subsidiary's affiliation with the carrier.

"(3) SEPARATE OPERATION AND PROPERTY.—A subsidiary required by this subsection may not enter into any joint venture activities or partnership with a local exchange carrier or any affiliate of such carrier.

"(4) SEPARATE COMMERCIAL ACTIVITIES.—A subsidiary required by this subsection shall carry out its marketing and sales directly and separate from any local exchange carrier or its affiliate.

"(5) BOOKS, RECORDS, AND ACCOUNTS.—Any subsidiary required by this subsection shall maintain books, records, and accounts in a manner prescribed by the Commission which shall be separate from the books, records, and accounts maintained by any local exchange carrier or any affiliates of such carrier.

"(6) PROVISION OF SERVICES AND INFORMATION.—A local exchange carrier may not provide any services or information to a subsidiary required by this subsection unless such services or information are made available to others on the same terms and conditions.

"(7) PREVENTION OF CROSS-SUBSIDIES.—Any local exchange carrier required to maintain a subsidiary under this subsection shall establish and administer, in accordance with the requirements of this subsection and the regulations prescribed thereunder, a cost allocation system that prohibits any cost of providing competitive services from being subsidized by revenue from telephone exchange services. The cost allocation system shall employ a formula that ensures that—

"(A) the rates for telephone exchange services are no greater than they would have been in the absence of such investment in competitive services (taking into account any decline in the real costs of providing such telephone exchange services); and

"(B) competitive services bear a reasonable share of the joint and common costs of facilities used to provide telephone exchange and competitive services.

"(8) ASSETS.—The Commission shall, by regulation, ensure that the economic risks associated with the provision of competitive services by a local exchange carrier or an affiliate thereof (including any increases in the carrier's cost of capital that occur as a result of the provision of such services) are not borne by customers of telephone exchange services in the event of a business loss or failure. Investments or other expenditures assigned to competitive services shall not be reassigned to telephone exchange service or telephone exchange access service.

"(9) DEBT.—Any local exchange carrier, which is required to be or is structurally separate from an affiliate engaged in the provision of telephone exchange services, shall not obtain credit under any arrangement that would—

"(A) permit a creditor, upon default, to have recourse to the assets of the local exchange carrier; or

"(B) induce a creditor to rely on the tangible or intangible assets of the local exchange carrier in extending credit.

"(b) DEFINITIONS.—As used in this section, the term 'affiliate' means any organization or entity that, directly or indirectly, owns or controls, or is owned or controlled by, or is under common ownership or control with, a local exchange carrier. For purposes of this subsection, the terms 'own', 'owned', and 'ownership' mean a direct or indirect equity interest (or equivalent thereof) of more than 5 percent of an organization or entity, or the right to more than 5 percent of the gross revenues of an organization or entity under a revenue sharing or royalty agreement, or any substantial management or financial interest.".

TITLE VI—CUSTOMER CONTROL OVER INFORMATION

SEC. 601. CUSTOMER INFORMATION PROTECTIONS.

Title II of the Communications Act of 1934 (47 U.S.C. 201 et seq.), as amended by this Act, is further amended by adding at the end the following new section:

"SEC. 237. CUSTOMER INFORMATION REQUIREMENTS.

"(a) CUSTOMER PROPRIETARY NETWORK INFORMATION.—A local exchange carrier—

"(1) shall not, except as required by law or upon the affirmative request of the customer to which the information relates—

"(A) use customer proprietary network information in the providing of any service other than (i) telephone exchange service or telephone toll service, or (ii) a service necessary to or used in the provision of telephone exchange service or telephone toll service;

"(B) use customer proprietary network information in the identification or solicitation of potential customers for any service other than the service from which such information is derived;

"(C) use such information in their provision of customer premises equipment; or

"(D) disclose such information to any affiliate of such common carrier or any other person that is not an employee of such carrier;

"(2) shall disclose such information, upon affirmative written request by the customer, to any person designated by the customer;

"(3) shall, whenever such common carrier provides any aggregate information based on customer proprietary network information or any data base or other compilation of customer proprietary information to any personnel of such common carrier, or any affiliate of such common carrier, that are engaged in providing any service that is not necessary to the provision of telephone exchange service, or that are engaged in the provision of customer premises equipment, or to any other person that is not an employee or affiliate of such carrier, notify the Commission of the availability of such aggregate or compiled information and shall provide such aggregate or compiled information on reasonable terms and conditions to any other service or equipment provider upon reasonable request therefor; and

"(4) shall not discriminate between affiliated and unaffiliated service or equipment providers in providing access to, or in the use and disclosure of, individual and aggregate or compiled information made available consistent with this subsection.

"(b) RULE OF CONSTRUCTION.—This section shall not be construed to prohibit the disclosure of customer proprietary network information as necessary—

"(1) to render, bill, and collect for telephone exchange service or telephone toll service;

"(2) to render, bill, and collect for any other telecommunications service that the customer has requested;

"(3) to protect the rights or property of the carrier; or

"(4) to protect users of any of those services and other carriers from fraudulent, abusive, or unlawful use of or subscription to such service.

"(c) EXEMPTION PERMITTED.—The Commission may, by rule, exempt from the requirements of subsection (a) local exchange carriers that do not have 1,000,000 aggregate nationwide lines installed if the Commission determines that such exemption is in the public interest or if compliance with the requirements would impose an undue economic burden on the carrier.

"(d) DUTY TO PROVIDE SUBSCRIBER LIST INFORMATION.—Notwithstanding subsections (a), (b), and (c), a local exchange carrier that provides subscriber list information to any affiliated or unaffiliated service provider or person shall provide subscriber list information on a timely and unbundled basis, under nondiscriminatory and reasonable rates, terms, and conditions, to any person upon reasonable request.

"(e) AUTOMATIC NUMBER IDENTIFICATION SERVICES.—

"(1) CONTRACT REQUIREMENTS.—Any common carrier or affiliate of a common carrier providing automatic number identification services to any person shall provide such services under a contract or tariff containing telephone subscriber information requirements that comply with this subsection. Such requirements shall—

"(A) permit such person to use the telephone number and billing information provided pursuant to the automatic number identification service for billing and collection, routing, screening, and completion of the originating telephone subscriber's call or transaction, or for services directly related to the originating telephone subscriber's call or transaction;

"(B) prohibit such person from reusing or selling the telephone number or billing information provided pursuant to the automatic number identification service without first orally (i) notifying the originating telephone subscriber and (ii) extending to such subscriber the option to limit or prohibit such reuse or sale; and

"(C) prohibit such person from disclosing, except as permitted by subparagraphs (A) and (B), any information derived from the automatic number identification service for any purpose other than—

"(i) performing the services or transactions that are the subject of the originating telephone subscriber's call,

"(ii) ensuring network performance, security, and the effectiveness of call delivery,

"(iii) compiling, using, and disclosing aggregate information, and

"(iv) complying with applicable law or legal process.

"(2) EXCEPTION FOR ESTABLISHED CUSTOMERS.—The customer information requirements imposed under paragraph (1) shall not prevent a person to which automatic number identification services are provided from using—

"(A) the telephone number and billing information provided pursuant to such service, and

"(B) any information derived from the automatic number identification service, or from the analysis of the characteristics of telecommunications transmission.

to offer, to any telephone subscriber with which such person has an established customer relationship, a product or service that is directly related to the products or service previously acquired by that customer from such person.

"(3) ENFORCEMENT.—(A) Each common carrier shall receive and transmit to the Commission complaints concerning violations of the telephone subscriber information requirements imposed under paragraph (1). Each common carrier shall submit to the Commission, in such form as the Commission may require by regulation, reports on actions taken by the carrier to comply with this section.

"(B) The Commission may, by rule or order, direct the termination of automatic number identification services to any person who has violated the telephone subscriber information requirements imposed under paragraph (1). For purposes of section 503 (b)(1)(B), violations of such requirements shall be considered to be a violation of a provision of this Act.

"(4) EFFECTIVE DATE.—(A) Except as provided in subparagraph (B), the requirements of this subsection shall apply to any automatic number identification service provided on or after one year after the date of enactment of this subsection.

"(B) In the case of any automatic number identification service provided under a contract entered into, or tariff taking effect, more than 90 days after the date of enactment of this subsection, the requirements of this subsection shall apply to any automatic number identification service provided pursuant to such contract or tariff.

"(f) DEFINITIONS.—As used in this section:

"(1) The term 'customer proprietary network information' means—

"(A) information which (i) relates to the quantity, technical configuration, type, destination, and amount of use of telephone exchange service or interexchange telephone service subscribed to by any customer of a telephone operating company, and (ii) is available to the telephone operating company by virtue of the telephone company-customer relationship;

"(B) information contained in the bills for telephone exchange service or interexchange telephone service received by a customer of a telephone operating company; and

"(C) such other information concerning the customer as is (i) available to the telephone operating company by virtue of the customer's use of the company's services, and (ii) specified as within the definition of such term by such rules as the Commission shall prescribe consistent with the public interest. except that such term does not include subscriber list information.

"(2) The term 'subscriber information' means any information—

"(A) identifying the names of subscribers of a local exchange carrier and such subscriber's telephone numbers, addresses, or advertising classifications, or any combination of such names, numbers, addresses, or classifications; and

"(B) that the carrier or an affiliate has published or accepted for future publication.

"(3) The term 'aggregate information' means collective data that relates to a group or category of services or customers, from which individual customer identities or characteristics have been removed.

"(4) The term 'automatic number identification' means an access signaling protocol in common use by common carriers that uses an identifying signal associated with the use of a subscriber's telephone to provide billing information or other information to the local exchange carrier and to any other interconnecting carriers.

"(g) PROCEEDING REQUIRED.—Within 6 months after the date of enactment of this section, the Commission shall commence a proceeding—

"(1) to examine the impact of the integration into interconnected communications networks of wireless telephone, cable, satellite, and other technologies on the privacy rights and remedies of the consumers of those technologies;

"(2) to examine the impact that the globalization of such integrated communications networks has on the international dissemination of consumer information and the privacy rights and remedies to protect consumers;

"(3) to propose changes in the Commission's regulations to ensure that the effect on consumer privacy rights is considered in the introduction of new telecommunications services and that the protection of such privacy rights is incorporated as necessary in the design of such services or the rules regulating such services;

"(4) to propose changes in the Commission's regulations as necessary to correct any defects identified pursuant to paragraph (1) in such rights and remedies; and

"(5) to prepare recommendations to the Congress for any legislative changes required to correct such defects.".

TITLE VII—MEDIA DIVERSITY

SEC. 701. REMOVAL OF BROADCAST STATION OWNERSHIP RESTRICTIONS.

Within 1 year after the date of enactment of this Act, the Commission shall, after a notice and comment proceeding, modify or remove such national and local ownership rules on radio and television broadcast stations as are necessary to ensure that broadcasters are able to compete fairly with other media providers while ensuring that the public receives information from a diversity of media sources.

SEC. 702. REVIEW OF STATUTORY OWNERSHIP RESTRICTION.

Within 1 year after the date of enactment of this Act, the Commission shall review the ownership restriction in section 613(a)(1) and report to Congress whether or not such restriction continues to serve the public interest.

703. REVIEW OF VIDEO NON-DUPLICATION AND SYNDICATED EXCLUSIVITY RULES.

Within one year after the date of enactment of this Act, the Commission shall complete a notice and comment proceeding to consider the applicability of the Commission's rules regarding network non-duplication protection and syndicated exclusivity protection to other multichannel video programming providers.

SEC. 704. BROADCASTER PROVISION OF ADDITIONAL SERVICES.

The Commission shall, after a notice and comment proceeding, prescribe regulations to permit broadcasters to make use of the broadcast spectrum that they are licensed to use, for services that are related to the programming services which they are authorized to provide. To the extent that the broadcast licensee provides commercial services using broadcast spectrum, the Commission shall be authorized to collect from each licensee an amount equivalent to the amount that would have been paid if the license to provide such service had been subjected to competitive bidding under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)). Such amounts shall be collected and distributed pursuant to such section 309(j). Nothing shall be construed as relieving a broadcasting station from its obligation to serve the public interest, convenience, and necessity.

COMMUNICATIONS ACT OF 1994

The purpose of the bill is to protect the public interest, encourage private investment in the telecommunications infrastructure, encourage competition in all sectors of the communications industry, ensure the preservation and advancement of universal service, and grant the FCC more regulatory flexibility.

The main provisions of the legislation are summarized below.

TITLE I—PROTECTION AND ADVANCEMENT OF UNIVERSAL SERVICE

The FCC and the states shall share responsibility to ensure that all citizens have access to high-quality telephone service. The bill requires all telecommunications carriers to contribute to universal service either through monetary payment, certain service obligations, in-kind payments or other forms of contributions determined by the FCC and states.

TITLE II—TELECOMMUNICATIONS INVESTMENT

The FCC and the states are directed to encourage new technologies to be deployed to all Americans, including rural and inner city areas, consistent with the need to maintain reasonable rates for consumers.

Telecommunications carriers may engage in joint network planning and standardization.

TITLE III—REGULATORY REFORM

After the mechanisms to protect universal service are established under Title I, state entry barriers are preempted. All carriers, including telephone companies and their competitors, would be regulated as common carriers and required to interconnect to their networks, to ensure that a nationwide, seamless network is preserved.

The FCC and the states shall have the flexibility to tailor regulations to the market power of the carrier if such regulation would serve the public interest, convenience and necessity.

TITLE IV—MFJ ISSUES

Manufacturing.—The bill removes the manufacturing restrictions on the Bell Companies in accordance with the legislation that passed the Senate in 1991 (S. 173, 102nd Congress).

Electronic Publishing and Burglar Alarm Services.—The bill includes provisions concerning Bell Company provision of electronic publishing services and burglar alarm services. The Bell Companies may not enter the burglar alarm services market for six years. The Bell Companies may provide electronic publishing services only through a separate subsidiary and will be barred from cross-subsidizing any information services.

Long Distance.—The bill grants authority to the FCC, after consultation with the Attorney General, to allow a Bell Company into long distance. Out-of-market: The Bell Companies may provide long distance service outside of the areas where they provide telephone service if they show that there is no substantial possibility that they may use their market power to impede competition in the market they seek to enter. In-Market: In areas where the Bell Companies provide telephone service, they may enter the long distance market if: (1) the "no substantial possibility" test is met; (2) the FCC finds that the Bell Company has opened its network; and (3) the FCC finds, after receiving information from the state, that the Bell Company faces actual and demonstrable competition in the geographic market.

There are no arbitrary waiting periods before these tests apply. Once a Bell Company is permitted to enter long distance service, it must do so using a separate subsidiary.

Finally, the bill allows the Bell Companies to provide some cellular and cable television

services across LATA boundaries because the Bell Companies do not have market power for these services.

TITLE V—REGULATORY PARITY BETWEEN TELEPHONE AND CABLE

Telephone companies would only be permitted to provide cable service in the same region where they provide telephone service under the following conditions: (1) telephone companies may not buy out the existing cable company; (2) telephone companies may only provide cable programming using a separate subsidiary; (3) telephone companies may not cross-subsidize their cable operations with telephone revenues; and (4) to the extent they provide cable service, telephone companies will be treated as cable operators under the Cable Act.

Cable companies will only be permitted to provide telephone service if they comply with similar conditions.

TITLE VI—CUSTOMER CONTROL OF INFORMATION

Provisions would protect consumers' and competitors' rights with regard to telephone numbers and billing information. Consumers' telephone numbers would only be given out to those whom the consumer chooses, and the telephone company could not use subscriber information for its affiliated enterprises unless it also gives such information to its competitors.

TITLE VII—MEDIA DIVERSITY

Legislation would direct the FCC to conduct a review of its local and national ownership rules and eliminates those that are not necessary as long as the goal of media diversity is achieved. The FCC will also review the applicability of network non-duplication rules and syndicated exclusivity rules to competitors to cable. The broadcasters also are permitted to provide non-programming services using their broadcast spectrum as long as they pay a fee for the use of that spectrum for commercial purposes and as long as the service is broadcast-related.

Mr. DANFORTH. Mr. President, today I join Chairman HOLLINGS and a bipartisan majority of the Senate Commerce Committee in introducing the Communications Act of 1994.

The telecommunications industry is among our country's most dynamic industries. The combination of new technologies and aggressive entrepreneurs has moved this industry from a stagnant market controlled by a few to an industry with burgeoning competition and flourishing ingenuity. Consumers will benefit from the expanded choices that this competition produces.

In such a dynamic environment, policies meant for stagnant times are not useful, and may even be harmful. Communications policy must reflect this changing environment. In 1934, Congress enacted the Communications Act, the central body of communications law. Today, 60 years later, there is a growing consensus that significant changes are needed in communications law.

The regulatory scheme that grew from the 1934 Act presumed monopolies and left the FCC with very little regulatory flexibility. The communications industry is dramatically different than it was 60 years ago—technological development and growing competition have made the old regulatory system obsolete.

Of critical importance will be the need to encourage competition in all sectors of the communications industry, while maintaining high quality local phone service. The bill we are introducing today, the Communications Act of 1994, advances that goal. This bill will break down the regulatory walls that exist today in the communications industry. The bill encourages competition to cable and competition to local telephone companies. The bill lets the Bell operating companies enter new lines of business where their entry is consistent with the goal of encouraging competition. This bill gives the FCC new flexibility to tailor its regulation to the emerging competitive environment in the telecommunications industry.

The premise of the bill is that increased competition in the provision of communications services in the local market will encourage private infrastructure development. Competition in the local market is likely to have the same beneficial effects that competition has had in the long distance market: increased investment in the network, increased variety and quality of service, and lower prices. Greater infrastructure development will enhance a community's ability to attract new businesses and enable businesses and employees to enjoy the benefits of telecommuting. Additionally, improved telecommunications infrastructure can bring advanced communications services to small businesses, as well as residential, low-income, disadvantaged, educational, medical, rural, and other users who might otherwise be excluded from the information age.

Public policies aimed at promoting competition and preventing market abuses simultaneously advance innovation and developments in the marketplace. I am confident that the introduction of local market competition will spur the technological development of the nation's telecommunications infrastructure. That is the premise of the bill we introduce today. This legislation will meet the changing demands of consumers, contribute to this country's economy, and advance the competitiveness of the U.S. in international markets.

Mr. INOUYE. Mr. President, I am very pleased to cosponsor the Communications Act of 1994, introduced by the chairman of the Commerce Committee, Senator HOLLINGS and ranking Republican, Senator DANFORTH. The legislation provides a comprehensive review of communications policies and lays the regulatory foundation for the telecommunications industry for the next century. The most important component of the legislation is the preservation of universal service that will ensure access to high quality telecommunications services for all Americans, both urban and rural. It is a principle that I believe must be preserved as technology encourages more competition to the traditional telephone monopoly.

The bill is a bipartisan effort that includes a majority of the Commerce Committee as original cosponsors. Today's legislation expands upon efforts earlier this year by Senator DANFORTH and myself. I want to thank Senator DANFORTH for his continued efforts in moving this debate forward and I look forward to working with him to pass this bill this year.

This legislation represents the most comphensive review of communications Law since the enactment of the 1934 Communications Act. It is time for Congress to reassert its role as the decisionmaker on communications policy and return the oversight of the AT&T consent decree to the Federal Communications Commission. I do, however, want to take a moment to commend the extraordinary effort and success with which Judge Greene has overseen the AT&T consent decree. Judge Greene has administered the break-up of one of the world's largest corporations and has, more than any other single person, nurtured a nascent long distance industry into a robust and competitive environment. But now it is time for Congress to take the next step and ensure that the competition at the local level is given the same opportunity to flourish.

The bill that Senator HOLLINGS is introducing today answers several fundamental policy questions: First, how will universal service be preserved in a competitive market; second, what policies should govern competitors in the telecommunications marketplace of tomorrow; and third, when and how should the restrictions on the Bell operating companies be lifted.

First, I want to emphasize my strong support for the universal service provisions of the bill. I think many of us have become accustomed to the concept of universal telephone service without even realizing that the Communications Act of 1934 does not define what universal service means. Our legislation lays out a new framework for the FCC and States to work together to ensure universal service and requires all providers of telecommunications service to contribute their fair share.

The legislation is designed to address the issue of universal service first and then the issue of local competition. I agree with Senator HOLLINGS view that it is essential for the universal service mechanisms to be in place first in order to effectuate a proper transition from a regulated monopoly to a competitive local exchange. The bill provides the necessary balance and flexibility between the FCC and the States that will ensure the particular needs of each individual State are met.

There are two issues in this bill that are of particular concern to me: tele-

phone entry into cable, and Bell Co. entry into long distance. As I stated several months ago, I am very concerned with how the Bell Operating Companies enter into cable within their own service territory. I want to emphasize that I support telephone entry into cable as long as there is a "no buy-out" provision. In other words, I do not think it is sound policy to replace a system of one telephone monopoly and one cable monopoly with a merger of the two into a single monopoly. Competition between the two providers, and potentially other providers, will stimulate investment, lower prices for consumers, and encourage diversity.

The other provision I am most concerned with is how and when the Bell Operating Companies will be allowed to enter the long distance industry. During the two hearings held on S. 1086, the Commerce Committee received testimony from both the long distance industry and the Bell Operating Companies. While the rhetoric from both sides appeared to leave little room for compromise, both parties agreed that the long distance restriction should be lifted once there is competition for local telephone service. The sponsors of this legislation have taken the parties at their word. The legislation we introduce today would allow the Bell Companies into long distance only after the FCC makes a determination that there is no substantial possibility that the Bell Co. could use market power over local telephone service to impede competition in the long distance industry. Where the Bell Co. provides telephone service, the Bell Co. can only satisfy this test by showing that it has opened and unbundled its network to competition, and that it is facing actual and demonstrable competition for local telephone service.

I want to reiterate that the test for entry into the long distance market is a balanced approach. The FCC has the sole responsibility to determine when the local market is competitive. There are no arbitrary waiting periods before the Bell Co. may petition to enter the long distance industry.

Finally, I want to focus on the economic and consumer benefits this legislation offers. Competition is essential to promoting investment in new technologies and to ensuring lower rates for consumers. Competition has worked for long distance service and for telecommunications equipment. There are now four fiber optic networks available for interstate telephone calls, and the diversity of technology for telecommunications equipment is truly astounding. But to date, there is little or no competition for local telephone service.

There is no question that the long distance industry invested heavily in deploying fiber optic networks once it became apparent that competitors were gaining market share. I think AT&T would be the first to say it was a hard-learned lesson. It is my fervent belief that similar investments will take place in the local telephone markets as the telephone companies unbundle their networks and provide greater access and interconnection to other providers of telecommunications services.

Competition is the best way to speed the introduction of advanced technology to everyone's home and business. But competition must not go unchecked. Therefore, the bill contains several consumer safeguards to prevent the Bell Companies from engaging in cross-subsidization and self-dealing when they enter new markets. It requires the Bell Companies to set up separate subsidiaries for their provision of electronic publishing services and burglar alarm services. It also contains provisions to ensure that customer proprietary network information is made available to all competitors in a nondiscriminatory fashion.

This bill contains a balanced approach to protecting universal service and allowing for competition. It relies on market incentives rather than Government funding or Government mandates. It strikes the right balance between dominant market participants and new entrants. It provides for an equitable role between the FCC and the States. I believe this bill has the momentum and consensus to be enacted into law this year. I look forward to working with my colleagues on this important piece of legislation.

Mr. EXON. Mr. President, I am proud to be an original cosponsor of the Telecommunications Act of 1994. Today, the Senate breaks ground on the information superhighway.

Last year I called for a grand compromise to end the gridlock which has gripped American telecommunications policy since the breakup of AT&T. This legislation comes as close to that compromise as any. While this bill remains a work in progress, the fundamental principles are sound. It allows everyone to compete while assuring that all competitors bear the responsibility of universal service.

The bill is comprehensive, fair and visionary.

It takes telecommunications policy out of the courts and places it where it belongs—with the people's representatives in the Congress and the FCC.

As the gates against competition are lifted, competition will occur on a level playing field where fresh ideas, services, and products will fight for new customers.

Many will think of this legislation as a bill simply about phone service. I see it as a key to American education policy. This legislation will provide for educational interchange. Students, young and old, rural and urban, will gain access to new worlds of knowledge. It will be possible for students in Ord, NE to study with professors at Harvard and inner-city children to browse the Library of Congress.

Especially important, rural America will not be left behind in the telecommunications revolution because the universal service obligations of the Communications Act assure modern, affordable communication services for all Americans.

I am pleased that several key provisions of the infrastructure sharing bill that Senator GRASSLEY and I introduced last year were incorporated into this legislation. These provisions assure that rural citizens have access to advanced technology and that the telecommunications network will remain fully compatible in all parts of the country.

Once enacted, this legislation will help create American jobs, increase American productivity and restore new vitality to the American economy. It will give citizens new options for buying local, long distance, data, and video services.

America will work, create, communicate, and be entertained in ways only imagined a few years ago.

New services, new options and new competition with fair universal service obligations will help hold the line on costs for consumers.

I congratulate Senator HOLLINGS for crafting a bold initiative.

This legislation complements the Commerce Committee's landmark legislation included in last year's reconciliation bill on spectrum auction for wireless personal communications systems.

I look forward to continue working with the chairman to further refine this proposal and enact it into law.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Press release, Thursday, Feb. 3, 1994]

EXON BREAKS GROUND ON INFORMATION SUPERHIGHWAY

WASHINGTON, DC.—U.S. Senator Jim Exon (D–NE) helped break ground Thursday on the nation's Information Superhighway.

Exon, a senior member of the Senate communications Subcommittee, announced he is cosponsoring a bill that will reduce the cost of telephone and cable television services and encourage competition among companies vying for the chance to provide Americans with new, advanced telecommunications and education services.

"With the Information Superhighway, we will work, communicate and be entertained in ways only imagined a few years ago," Exon said. "Competition among companies we think of today as telephone companies or cable television companies, for instance, will give consumers new services and will help keep the cost of those services down."

The bill, formally known as the Communications Act of 1994 and sponsored by Commerce Committee Chairman Ernest F. Hol-

lings, would encourage competition in the communications industry and ensure that all Americans have access to modern telephone and other telecommunications services.

As the Information Superhighway is built, Americans will have access to new information and entertainment services. For many Americans, the advent of this new technology will make it possible to work or study at home.

"I see this legislation as a key to American education policy," Exon said. "It will provide for a new educational interchange. New worlds of knowledge will be opened to all students, young and old, urban and rural."

"For rural Nebraskans, it presents many new opportunities," Exon said. "But universal service—access to affordable, modern telecommunication services throughout the entire U.S.—is the primary focus of this bill and will assure that rural America does not get left behind."

Mr. ROCKEFELLER. Mr. President, I am pleased today to join the bipartisan leadership of the Senate Commerce Committee as an original cosponsor of the Communications Act of 1994. I congratulate Chairman HOLLINGS for presenting this true starting point in a legislative process that will be an important challenge to all of us.

Because of the complexity of the issues, I am not in a position to predict precisely how we should complete the job begun with this legislation. My cosponsorship of this bill expresses support for its goals and its emphasis. I am committed to working with the industries and people of my State, and drawing on the input and expert advice that this bill will attract, to assist in enacting a final product that achieves our common goals fairly and efficiently.

It is now obvious that an exciting, new era in technology has begun. We are watching the emergence of telecommunications technology, presenting all kinds of possibilities for making American industry more competitive in the global marketplace and improving the lives of people across the country and in my State of West Virginia.

But in order to take advantage of this opportunity, the Congress must build a foundation for development of technology that protects the public interest.

Sixty years have passed since Congress set out a comprehensive framework for communications policy in the 1934 act. The marketplace has changed dramatically and it is now time for Congress to reevaluate that framework in the context of the rapidly changing environment. This bill provides a regulatory strategy that allows fair competition to continue, but safeguards the public interest and the essential goal of universal service.

Government should not be in the business of deciding which specific technologies should dominate and which companies will win the battle of the marketplace. However, Government should play a role in ensuring a level playing field for all service providers, open markets, and consumer protection.

In this new legislation, affordable access to our national information superhighway is guaranteed to schools, hospitals, libraries and other public institutions. This will ensure that West Virginia's medical schools can continue their pioneering work in telemedicine, and that even the smallest communities, like Hamlin, WV will be able to fully participate in the Nation's emerging telecommunications infrastructure.

Again, I commend the chief architects of this legislation. Vice President GORE certainly deserves appreciation for the interest and inspiration he has mobilized around the idea of an information superhighway. The time has come to resolve the conflicts that have blocked progress and its benefits to the country's economy, industries, and people.

Mr. DORGAN. Mr. President, I am pleased to join my colleagues Senators HOLLINGS, DANFORTH, INOUYE, STEVENS, PRESSLER, KERRY, GORTON, EXON, ROCKEFELLER, and BURNS in sponsoring the Communications Act of 1994. This legislation, if it passes, will provide our Nation with the road map for building the information superhighway. It has been 60 years since the Communications Act was first enacted which preceded the television era and there is no question that we need to rewrite telecommunication policy for the 21st century. We now stand at the on-ramp of an exciting new generation of telecommunications technology which will carry us down the road to places unimaginable by previous generations.

One of the most important measures that the 103d Congress should act upon is this legislation. For that reason, I am cosponsoring this bill. I share the vision and desire of my colleagues who believe that our Nation's telecommunication infrastructure needs to be modernized and equipped to carry a whole new generation of technology and services that will have a very profound impact on how we learn, live, and do business. This legislation is a comprehensive rewrite of the Communications Act and it is necessary for bringing us into the next century. However, given the complexity of the whole range of issues that are impacted by this legislation and the enormity of the consequences of the policy direction this bill takes, I want to remain open to perfecting the bill's provisions. Certainly there will be some concerns raised about some of the specific provisions in this bill of which I am currently unaware. I want to make it clear that I intend to work with my colleagues to continue examining these issues and make changes to the legislation if necessary.

There are, nevertheless, some very important guiding principles to this legislation. First, this bill is a comprehensive rewrite of the Communications Act. There is no question that the Congress and the administration need to establish a national telecommunications policy. For over a decade, telecommunications policy, for the most part, has been set by the courts. In an era characterized by rapid technological development and constant change, we cannot afford to wonder adrift without a clear vision and policy direction. We, in the Congress, need to assume our responsibility to consumers and the industry and set the course for the future. The responsibility for telecommunications policy needs to move from the courts to the appropriate Federal and State agencies. The interest of consumers as well as the industry would be better served by a reflective and thoughtful policy established by the Congress and the administration than by laying hostage to the current constraints established by the courts. This bill would place the principle authority for policy direction with the States and the Federal Communications Commission where it belongs.

Second, telecommunications policy needs to establish new rules which are responsive to contemporary circumstances, characterized by rapid technological development and constant change. Legislation needs to focus on laying down the ground rules to ensure fair competition—truly fair competition. The driving force for infrastructure development is the promotion of competition. However, we have to understand that fair competition means that policy must be sensitive to the unique circumstances of how competition works in different geographic areas and in various market environments. In other words, competition in the local exchange network for Washington or New York is very different than in a rural Midwestern State like North Dakota. Telecommunications policy needs to be sensitive to these kinds of differences and this legislation attempts to provide for the necessary flexibility for the FCC and by providing for a strong role by the States. It is my hope that as this bill moves through the legislative process that we ensure that it's provisions provide the best possible accommodation to unique market and geographic circumstances.

Finally, this legislation is based on the premise that universal service must be protected as the information superhighway is constructed. Our telecommunications system is not truly national if access to information highway is not assured for everyone. For the rural areas of this country, a highly sophisticated and developed telecommunications infrastructure holds the potential of dramatic new opportunities for economic development, education, and health care delivery. It is imperative that the folks living in

rural America have access to the same technology and communications links as the rest of the country. This bill contains strong provisions which are designed to protect universal service, which is critical to infrastructure development.

Again, I expect that this legislation will be subject to improvements as the Commerce Committee and the full Senate consider this important measure. I intend to work closely with my colleagues to address any concerns that may arise. However, it is clear that we cannot deviate from the fundamental goals of ensuring truly fair competition in the telecommunication industry and guaranteeing universal access to telecommunication services.

Mr. BURNS. Mr. President, I rise today with Senator HOLLINGS, the distinguished chairman of the Senate Commerce, Science, and Transportation Committee and Senator DANFORTH, the distinguished ranking Republican member of the Senate Commerce Committee to introduce bipartisan communications legislation designed to move this Nation into a new era:

A new era of job creation; a new era of education; a new era of health care; a new era of environmental protection, or in its most basic terms; a new era of information sharing that will literally throw the doors of opportunity open to every single person in America.

The Communications Act of 1994 captures a vision of the future and ensures that America will take its place in this future. With this legislation, we want to encourage private investment in America's communications industry and create a solid foundation on which to build an advanced national information infrastructure connecting every home, school, hospital, library, business, and individual in America.

If we can get this type of network built, then we'll see things like remote medical sensing, distance learning, telecommunicating to businesses from out-of-the-way communities, advanced services for disabled individuals, greater opportunities for rural and inner-city areas, and the list goes on as long as the imagination. A broadband interactive network or information superhighway will greatly enhance the quality of life for all our Nation's citizens, improve our ability to compete in the global marketplace of the 21st century, and secure our position as undisputed world leaders in the information age.

In recent years, we have made amazing advances in the area of technology. It used to be that we relied on typewriters and postage stamps to convey information. But today, the words "reach out and touch someone" take on real meaning. Computers, faxes, cellular phones, personal communications networks—all are changing how we live our lives and the way we do business.

In the video world, advanced cable TV systems are turning to fiber optic networks powerful digital processing and compression technology to provide viewers with hundreds of channels. Phone companies are plunging into information services and have the ability to provide video programming over telephone lines. Publishers are making information available electronically as well as on paper.

The future in communications is interactivity. Consumers will be able to personalize and customize programming or information they want to receive or send. Not only will they be able to call up movies on demand, but they'll be able to tap into libraries, take classes from teachers hundreds of miles away, talk to their doctors over video phones from their own homes, telecommute to work at a job hundreds or thousands of miles away, assemble graphics and video footage from different sources for a business report.

For rural States like my home State of Montana, a broadband interactive information network holds so much hope for education, health care, job creation, and economic development.

I don't know how many of my colleagues have had the pleasure of traveling through Montana—if you haven't I invite you all to visit—but we have tremendous distances to cover. The distance from Eureka, MT, in the northwestern corner of our State to Alzada, MT, in the southeastern corner of our State is the same distance from Washington, DC, to Chicago.

So we have a lot of dirt between lightbulbs, but we know one thing for sure: A broadband interactive information network gives us a way to travel in our State without having to leave home.

In terms of education, a broadband interactive information network would open the world up to Montana students and to Montana teachers. Right now, we have a very progressive rural cooperative in eastern Montana that has helped four towns link up with fiber optics so they can share resources. Students can take classes in German or Russian without having to actually be in the same classroom as the instructor, yet all the interactivity of the student-teacher relationship is there.

Just imagine if every corner of Montana was wired with fiber optic cables, and students at schools in eastern Montana could interactively communicate instantly with students at any other Montana school or college or in any educational institution in the world. The ability to transmit teachers via a broadband interactive network would expand educational opportunities and enable educational institutions to meet State requirements for schools to operate.

But beyond that, once an information network is in place, the door then opens up for the community to improve other aspects of life in a rural town. Such a network can help improve health care. It can result in the attraction of jobs that might go elsewhere because of a lack of access. It can bring in books, videos, or cultural events from far away places. Just as we can transport children into classrooms miles and miles away, fiber optics will enable patients to visit with doctors at urban medical centers on the other side of the State; or employees to work for a business located on the other side of the country; or any rural resident to enjoy a ballet, musical, or play being held on the other side of the world.

The communications industry and the application of new technology can actually energize rural America. Access to a national information infrastructure can actually help save our rural communities, and, as far as I'm concerned, there's no better way of life worth preserving than the rural way of life. It's one that teaches the American values of hard work, diligence, perseverance, ingenuity.

Today, Congress and the Clinton-GORE administration have a golden opportunity to lead America into a new high-tech frontier. We can give every American, no matter who they are, where they live or what their economic resources are, the opportunity to be a pioneer in this new American frontier.

But, America has to focus its vision. We have to concentrate our efforts—both Government and private sector—on being the best in the communications and information field. Whether we are fighting to stay on top or get back on top, the battle is going to be just as tough.

Yet, as America stands at a critical crossroad, one that will determine whether we will pioneer a high technology, entertainment, information and telecommunications frontier, Government is standing in the way. We have not been able to address one of the major issues of our time because we have been unable to overcome special interests and gridlock.

The most foolish thing we can do is allow gridlock to win out. We cannot afford to put our own country at a disadvantage by maintaining or imposing restrictions and regulations that hold back our American industry when our foreign economic competitors are racing to upgrade their own communications systems. Government has got to get out of the way and allow things to happen. We should not be blocking progress.

Because Senator HOLLINGS, Senator DANFORTH and myself recognize the importance of moving ahead, we have joined efforts with a majority of the members of the Commerce, Science, and Transportation Committee in introducing this bill and hope to initiate positive, realistic action on the deployment of a national information infrastructure. We have not always seen eye-to-eye on this issue, but we recognize the time has come to fashion a

practical bill to ensure America's future.

Congress has to give direction—we have to help set the goal and the parameters. That's exactly what Vice president AL GORE and I tried to do in the last Congress with S. 1200, the Communications Competitiveness and Infrastructure Modernization Act of 1991, and that's exactly what Senator HOLLINGS, Senator DANFORTH, and I are doing today by introducing The Communications Act of 1994.

My goal—and challenge to the Nation—is the construction of an advanced, feature-rich national information infrastructure which is universally available for every, home, school, hospital, library, business, and individual in the United States.

In my view the national information infrastructure should be a broadband interactive network universally available to all Americans on which everyone has the choice of providing as well as receiving information.

As a member of both the Communications Subcommittee and ranking member of the Science, Technology, and Space Subcommittee of the Senate Commerce Committee, I intend to actively participate in developing a new comprehensive plan for creating the finest national information infrastructure in the world. The bill we introduce today is a good starting point, together with what the Senate Commerce Committee reported out late last year in S. 4, The National Competitiveness Act of 1993, introduced by Committee Chairman HOLLINGS.

One provision that is vital to my State of Montana is the guaranteed access to the National information infrastructure for schools, medical centers, libraries, community newspapers, public and small market broadcasters, and local and State governments at preferential rates. I worked hard to include language to assure information users and providers throughout my State of Montana have fair and inexpensive access to any future telecommunications network.

Overall, this bill is a visionary, comprehensive blueprint for national telecommunications policy to get us to the 21st century. I plan to work closely with Vice President GORE on a new title of the Communications Act with a goal to encourage completion of a broadband interactive network universally available to all Americans on which everyone has the choice of providing as well as receiving information by the end of the first decade of the 21st century.

The future is in our hands. An advanced, feature-rich national information infrastructure available to all Americans will propel our Nation into the information age of the 21st century. The challenge facing Congress and the Clinton-Gore administration is how to provide the necessary incentives for upgrading the infrastructure while at the same time preserving universal service.

We do not need to mortgage our future, but we do need to invest in it. We must encourage competition among our communications companies to invest and reinvest in this country in ways that will still ensure affordable basic service, so that the average family can afford these new technologies. The doors to the new era of information sharing have got to be open to every single person in America.

I very much look forward to working with Senators HOLLINGS and DANFORTH as well as many other colleagues both on and off the Senate Commerce Committee to ensure America is first in the race to build an advanced, feature-rich national information infrastructure.

In conclusion, I want to say with regard to this bill that what we are doing in telecommunications has a lot to do with what we are talking about—the new look of American education, the ability to deploy broadband telecommunications to be used interactively between schools and distance learning and, yes, delivering of health care into rural areas.

With the leadership of the chairman of the Senate Commerce, Science, and Transportation Committee, Mr. HOLLINGS, and the ranking member, Mr. DANFORTH, who introduced this bipartisan Communications Act that will lead this country into a new era of job creation, in education, in health care, environmental protection at its most basic terms, a new era of information sharing, it will literally throw the doors of opportunity open to every single person in America.

This act of 1994 captures the vision of the future and ensures America a place in that future. We want to encourage the private investment of America's communications industries to create a solid foundation on which to build an advanced national information infrastructure connecting every home, every school, whether it be primary, secondary or into the colleges, hospitals, libraries, businesses and individuals in America.

We look upon this piece of legislation as probably the biggest thing that we can do for the American people the rest of this year.

I congratulate the leadership for the foresight. We started to work on this issue some four years ago. Now we see the leadership come forward, and I think this Congress and the Clinton-GORE administration has a great responsibility in making sure that we are the leaders in this particular field.

Mr. DOLE submitted the following statement for Mr. MCCAIN.

• Mr. MCCAIN. Mr. President, I am pleased that the chairman of the Commerce Committee is today introducing the Communications Act of 1994. Reality tells us that the communications revolution has outpaced the Congress and the Federal Government. For too long the Congress has passively watched the courts shape our Nation's communications policy. Now, the Congress is taking the correct action by asserting its duty to set a responsible national telecommunication's policy.

I applaud the Commerce Committee for addressing this issue. The committee has a formidable task ahead and I am confident it is up to the job.

I look forward to a lively and thorough debate on this issue. The outcome of that debate will affect virtually every American. I intend to play an active role in that debate and do all I can to remedy any flaws I believe exist in the bill and to defend this measure's many outstanding provisions.

The complexity of this issue is staggering and its eventual impact on the public is enormous. We must listen closely to all affected parties and weigh all concerns on every side of this issue. Most importantly, we must contemplate how this legislation will affect the American consumer.

As I stated, virtually every American is a communications consumer. I believe we must put the needs of the public first as we debate how their communications needs can best be served. Further, I believe we must do all we can to ensure that small businesses are not hurt or damaged by our actions and remain a competitive player in the communications industry. Lastly, we must work to be sure that our actions do not unfairly give one company or industry an advantage over any other—being especially cognizant of the smaller communications, cable, and publishing companies.

All of these issues I hope, either by amendment or through debate, will be addressed during the legislative process.

Mr. President, I look forward to learning the views of the administration, my colleagues, industry, and consumers regarding this bill. I welcome their comments and look forward to working on this bill.•

Mr. KERREY. Mr. President, I rise in support of S. 1822, the Communications Act of 1994, which I am pleased to cosponsor with Commerce Committee Chairman ERNEST HOLLINGS, ranking member JOHN DANFORTH, Communications Subcommittee Chairman DANIEL INOUYE, and a bipartisan group of our colleagues. This comprehensive telecommunications legislation will pave the way on the information superhighway for existing and emerging technologies to create jobs and improve the lives of Americans as we head into the Information Age of the 21st century.

Telecommunications is not just about lines and cables and high-technology gadgets. It is about jobs and people's lives.

Telecommunications technology is charging ahead at a pace we never

imagined just a few years ago. The much-ballyhooed information superhighway is moving closer to reality, and is taking a giant step in Omaha, NE, where both US West and Cox Cable are testing broad-based interactive TV services. On the horizon not only are new jobs in existing telecommunications companies, but countless new jobs in entirely new industries spawned by this technology. Telecommunications is the growth industry of the future, and we should do our best to nurture it. I am particularly pleased that the bill we are introducing favors competition in the industry over regulation.

Telecommunications technology also has the power to make a difference in people's lives by informing them and bringing people together. It possesses the power to link a student in our schools to the greatest libraries in the world at the touch of a button. It can link patients in rural Nebraska to the finest medical centers and the best specialists in the Nation without ever having to leave their home towns.

As excited as I am about this technology, I also believe we have an obligation to see that it enriches our society and improves the lives of our citizens. The information superhighway will be nothing but a high-technology gadget unless we ensure that in addition to entertaining us with instant movies or the latest video games, the superhighway also helps to teach our kids, bring new information to our citizens and improve our lives.

We must achieve three goals to make sure that happens. First, the information superhighway must be accessible all over the country, including rural America. Citizens of smaller towns in Nebraska and across the Nation should have the same access to this technology as residents of urban America.

Second, government has a sacred obligation to inform citizens, and the information superhighway can be an invaluable tool for providing Americans with the information they need to make decisions about the future of the country.

Third, we should make a conscious, continuous effort to ensure that our schools have access to this valuable educational technology as well.

I am pleased that this bill addresses these issues, and I look forward to working with Chairman FRITZ HOLLINGS of the Senate Commerce Committee and Chairman Reed Hundt of the FCC to ensure that this technology is an enriching force in our society, not just an entertaining one.

I also look forward to seeking input from Nebraskans on how best to use telecommunications technology for education reform at "Challenge Nebraska," a conference that I am cosponsoring with the U.S. Department of Commerce on May 21, 1994, at the University of Nebraska-Lincoln Nebraska Center.

There is great cause for enthusiasm today. The development of telecommunications technology means the creation of countless good, high-paying jobs—not only in Nebraska, where telecommunications is a major industry—but all over the country. And most important, we know that telecommunications technology—and sound-minded telecommunications reform like that we are proposing—can make a difference in the lives of Americans.

By Mr. LIEBERMAN (for himself, Mr. KOHL, and Mr. DORGAN):

S. 1823. A bill to provide for the establishment of the Interactive Entertainment Rating Commission, and for other purposes; to the Committee on Commerce, Science, and Transportation.

VIDEO GAME RATING ACT OF 1994

Mr. LIEBERMAN. Mr. President, I am pleased today to introduce, with Senators KOHL and DORGAN, the Video Game Rating Act of 1994.

As we all know too well, Mr. President, violence seems to be everywhere in our society, and we are all threatened by it. You cannot pick up the newspaper or turn on the evening news without being accosted by reports of violent assaults, robberies, and murders. Our entertainment reflects this violence. As several of my colleagues have pointed out, violence saturates television programming, both on the networks and on cable. And it also is a dominant theme in popular video games, many of which are marketed to and played by children.

Why should we be concerned about this? The Roman poet Virgil once said, "As the twig is bent the tree inclines." I have grave concerns about the cumulative impact of all the violence surrounding our children. I know that children today unfortunately cannot avoid some exposure to violence, since it pervades so many corners of our lives, from the news to the streets. But I deplore the fact that some in the entertainment industry consistently present children with glorified and sanitized images of violence in the least appropriate place: the games children play to excite their imagination. Bob Keeshan, television's Captain Kangaroo and a respected advocate for children, has said, "there is a place for gentleness in the life of a child, and children do not need violence to be entertained." Bob Keeshan is absolutely right. Sadly, however, too many video games elevate the most disturbing—in fact the most criminal—of acts. Rather than teaching children anything of value, they merely agitate and provoke them. One teenager who baby sits for a 3- and a 5-year-old siblings told me that they play one very violent game for hours on end and then proceed to beat each other up when they finish. That kind of anecdotal evidence is supported by a growing body of scientific literature suggesting a disturbing link between media violence and actual violence.

The content of some of the video games on the market during this holiday season was truly shocking. Consider examples from two games which were shown on December 9, 1993 at the joint hearing of the Subcommittee on Regulation and Government Information, which I chair, and the Subcommittee on Juvenile Justice, which Senator KOHL chairs. One of this season's blockbuster games, "Mortal Kombat," depicts blood spurting from combatants in a martial arts duel, and allows a victorious player to finish his or her opponent by ripping out a beating heart, or severing the opponent's head and spinal column. In this game, the extreme violence is the victorious player's reward. Another game, "NightTrap," contained one scene in which hooded men attacked a woman in her bathroom and killed her by drilling a hole in her neck. Thankfully, the most popular version of "NightTrap" has now been removed from the market.

The Video Game Rating Act of 1994 which we are introducing today is an attempt to help parents regain a measure of control over the images and messages confronting their children. This bill would establish the Interactive Entertainment Rating Commission which would be instructed to work for 1 year with the video game industry to develop a voluntary rating system. If the industry fails to develop a satisfactory system within that year, the Commission would gain the power to review and rate video games, and to require video game companies to place ratings on their games. The Commission would not have the power to ban games.

Mr. President, Senator KOHL and I are introducing this bill today so that the Senate can begin the work needed to enact it, should that be necessary. I hope we will not have to. Since we first announced our intent to hold hearings to examine violence in video games, the video games industry has moved quickly to begin to develop a voluntary rating system. At our December 9 hearing, the two biggest companies in the industry, SEGA and Nintendo, agreed to develop an industrywide voluntary rating system. Since that time, the industry has begun building such a system. We will be holding a followup hearing on March 4 to receive a progress report.

In addition to working together, individual companies have taken a number of steps to respond to concerns raised by our December 9 hearing. Nintendo, for example, instructed one of its licensees to withdraw an advertisement that featured the slogan "They've got a bullet with your name on it." 3DO is adopting its own interim rating system. SEGA, which already has its own rating system withdrew "NightTrap,"

adopted new policies requiring advertisers of SEGA products to display ratings in all new advertisements, and develop new posters and brochures to go into stores to explain the ratings. SEGA has also announced that when it rolls out the SEGA channel on cable late this year, it will have a feature that will allow parents to control the games to which their children will have access over cable. And several retailers, including FAO Schwartz, Kay-Bee, and Toys R' Us pulled "NightTrap" off their shelves before Christmas.

These are all quite positive development, Mr. President, and they give me reason to be optimistic that the industry will be able to develop a strong, industrywide rating system. I want to be clear, however, that no rating system, whether voluntary or mandated by legislation, can ever be an acceptable excuse for a company to produce junk for children's consumption. Modern communications technology is making our whole world into a global village. In that regard, Bob Keeshan quoted an African proverb which says, "It takes an entire village to raise a child." We will all make our work a better place to live only if everyone—including video games developers, manufacturers and parents—accepts a share of responsibility for doing so.

I intend to hold the video game industry accountable for its share of responsibility. Most parents want to be able to provide a good nurturing environment for their children. This bill would make it easier for them to do so.

Mr. President, I ask unanimous consent that the text of the bill and a summary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1823

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND PURPOSE.

(a) SHORT TITLE.—This Act may be cited as the "Video Game Rating Act of 1994".

(b) PURPOSE.—The purpose of this Act is to provide parents with information about the nature of video games which are used in homes or public areas, including arcades or family entertainment centers.

SEC. 2. DEFINITIONS.

For purposes of this Act—

(1) the terms "video games" and "video devices" mean any interactive computer game, including all software, framework and hardware necessary to operate a game, placed in interstate commerce; and

(2) the term "video game industry" means all manufacturers of video games and related products.

SEC. 3. THE INTERACTIVE ENTERTAINMENT RATING COMMISSION.

(a) ESTABLISHMENT.—There is established the Interactive Entertainment Rating Commission (hereafter in this Act referred to as the "Commission") which shall be an independent establishment in the executive branch as defined under section 104 of title 5, United States Code.

(b) MEMBERS OF THE COMMISSION.—(1)(A) The Commission shall be composed of 5 members. No more than 3 members shall be affiliated with any 1 political party.

(B) The members shall be appointed by the President, by and with the advice and consent of the Senate. The President shall designate 1 member as the Chairman of the Commission.

(2) All members shall be appointed within 60 days after the date of the enactment of this Act.

(c) TERMS.—Each member shall serve until the termination of the Commission.

(d) VACANCIES.—A vacancy on the Commission shall be filled in the same manner as the original appointment.

(e) COMPENSATION OF MEMBERS.—(1) The Chairman shall be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level IV of the executive schedule under section 5314 of title 5, United States Code, for each day (including traveltime) during which the Chairman is engaged in the performance of duties vested in the Commission.

(2) Except for the Chairman who shall be paid as provided under subparagraph (A), each member of the Commission shall be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level V of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including traveltime) during which the member is engaged in the performance of duties vested in the Commission.

(3) The amendments made by this subsection are repealed effective on the date of termination of the Commission.

(f) STAFF.—(1) The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(2) The Chairman of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(g) CONSULTANTS.—The Commission may procure by contract, to the extent funds are available, the temporary or intermittent services of experts or consultants under section 3109 of title 5, United States Code. The Commission shall give public notice of any such contract before entering into such contract.

(h) FUNDING.—(1) There are authorized to be appropriated to the Commission such sums as are necessary to enable the Commission to carry out its duties under this Act, such sums to remain available until December 31, 1996.

(2) The Commission shall set a reasonable user fee which shall be calculated to be sufficient to reimburse the United States for all sums appropriated under subparagraph (1).

(i) TERMINATION.—The Commission shall terminate on the earlier of—

(1) December 31, 1996; or

(2) 90 days after the Commission submits a written determination to the President that voluntary standards are established that are adequate to warn purchasers of the violent or sexually explicit content of video games.

SEC. 4. AUTHORITY AND FUNCTIONS OF THE COMMISSION.

(a) VOLUNTARY STANDARDS.—(1) The Commission shall—

(A) during the 1-year period beginning on the date of the enactment of this Act, and to the greatest extent practicable, coordinate with the video game industry in the development of a voluntary system for providing information concerning the contents of video games to purchasers and users; and

(B) 1 year after the date of enactment of this Act—

(i) evaluate whether any voluntary standards proposed by the video game industry are adequate to warn purchasers and users about the violence or sexually explicit content of video games; and

(ii) determine whether the voluntary industry response is sufficient to adequately warn parents and users of the violence or sex content of video games.

(2) If before the end of the 1-year period beginning on the date of the enactment of this Act, the Commission makes a determination of adequate industry response under paragraph (1)(B)(ii) and a determination that sufficient voluntary standards are established, the Commission shall—

(A) submit a report of such determinations and the reasons therefor to the President and the Congress; and

(B) terminate in accordance with section 3(i)(2).

(b) REGULATORY AUTHORITY.—Effective on and after the date occurring 1 year after the date of the enactment of this Act the Commission may promulgate regulations requiring manufacturers and sellers of video games to provide adequate information relating to violence or sexually explicit content of such video games to purchasers and users.

SEC. 5. ANTITRUST EXEMPTION.

The antitrust laws as defined in subsection (a) of the first section of the Clayton Act (15 U.S.C. 45) and the law of unfair competition under section 5 of the Federal Trade Commission Act (15 U.S.C. 45) shall not apply to any joint discussion, consideration, review, action, or agreement by or among persons in the video game industry for the purpose of, and limited to, developing and disseminating voluntary guidelines designed to provide appropriate information regarding the sex or violence content of video games to purchasers of video games at the point of sale or initial use or other users of such video games. The exemption provided for in this subsection shall not apply to any joint discussion, consideration, review, action, or agreement which results in a boycott of any person.

SUMMARY—VIDEO GAME RATING ACT OF 1994

I. PURPOSE

The purpose of the Video Game Rating Act of 1994 is to establish an independent agency to work with the video game industry to create a system for providing parents and other purchasers with information about graphic violence or sexually explicit material contained in some video games.

II. SUMMARY

The legislation creates a five member bipartisan Interactive Entertainment Rating Commission (the "Commission") which will act as a facilitator for meetings of the video game industry. For a year after the enactment of the legislation, the industry will have sole responsibility for creating a rating system. That system may take whatever form the industry believes is sufficient to provide parents with information about the

graphic violence or sexually explicit content of specific video games. At the end of the one year period, the Commission will review the proposed rating system and determine whether the system will provide purchasers with the appropriate information. If the Commission determines that the system is sufficient, the Commission will issue a report to the President and will then disband. If the Commission determines that the system is not sufficient, the Commission will begin a rule-making process to establish the appropriate rating system.

III. SECTION-BY-SECTION

Section 1

Section 1 provides that the short title of the Act will be the "Video Game Rating Act of 1994" and states that the purpose of the Act is to provide parents and other members of the public with information about the graphic violence or sexually explicit nature of a video game. This system will enable parents to make informed decisions about which video games they will purchase for their children. The system will also cover video games played in arcades and other public areas.

Section 2

Section 2 defines the terms "video games" and "video game industry" for the purposes of the Act. The term "video games" is defined broadly to include any interactive computer game, including all software, framework and hardware. The broad definition is intended to cover future developments in video game technology, such as games played on personal computers and games available through cable television channels, as well as the array of video games currently available for use in the home or in arcades or other public areas. The term "video game industry" means all manufacturers of video games and related products.

Section 3

Section 3(a) establishes the Interactive Entertainment Rating Commission as an independent establishment in the executive branch.

Section 3(b) specifies that the Commission shall be composed of five members. No more than three members shall be affiliated with any one political party. The members shall be appointed by the President.

Section 3(c) states that each member of the Commission shall serve until termination of the Commission.

Section 3(d) establishes that a vacancy on the Commission shall be filled in the same manner as the original appointment.

Section 3(e) sets the compensation of Commission members.

Section 3(f) states that the Chairman of the Commission can appoint an Executive Director and additional personnel.

Section 3(g) allows the Commission to hire contractors.

Section 3(h) authorizes necessary funding for the Commission as necessary until December 31, 1996. It also authorizes the Commission to set a user fee for rating video games that is sufficient to cover the cost of establishing and running the Commission.

Section 3(i) mandates that the Commission shall terminate on the earlier of December 31, 1996 or 90 days after the Commission submits a report to the President stating that the voluntary industry rating system is sufficient.

Section 4

Section 4(a) specifies that, for one year after the date of the enactment of this legislation, the Commission shall work with the video game industry as the industry establishes its proposed rating system. At the end of the one year period, the Commission shall determine whether the voluntary rating system is sufficient to warn parents and users of the violent or sex content of video games. If the Commission decides that the voluntary rating system is sufficient, it shall issue a report to the President and then disband.

Section 4(b) states that, if the Commission determines that the industry rating system is insufficient, it may establish a rating system which will be credible and comprehensive.

Section 5

Section 5 grants the video game industry a narrow exemption from antitrust laws while the industry works to establish a voluntary rating system.

Mr. KOHL. Mr. President, I rise today—with my colleague Senator LIEBERMAN—to introduce the Video Game Rating Act of 1994. But before I begin let me commend Senator LIEBERMAN for his leadership on this important issue. And let me tell the video game industry this: We want you to develop a voluntary rating system; we want you to let parents know what they are buying for their children. We would prefer self-regulation to Government regulation. But we are prepared to move ahead if your efforts falter: Regulate yourselves or we will have to do it for you.

Mr. President, during the recent holiday season, my Subcommittee on Juvenile Justice and Senator LIEBERMAN's Government Affairs Subcommittee held a joint hearing on the topic of violent video games. At our hearing, the video game industry pledged to come together to develop a rating system, and to have that system in place before next Christmas. So it is clear that the debate over the need for a rating system has been settled. Now, Mr. President, we must determine what system should be put in place, and who should do it.

The video game industry believes that self-regulation is the best alternative. And we agree: Government intervention should be a last rather than a first resort. And since our December hearing, the industry appears to be making a concerted effort to put aside its own rivalries to focus on the goal of developing an effective rate system.

In fact, at the January consumer electronics show, representatives from all segments of the industry—including manufacturers, software developers, arcade owners, and others—made the development of a rating system the industry's top priority. So I commend the industry for its efforts to date.

However, we need more than just a good beginning, we need results. As the public's outrage over games like Night Trap and Mortal Kombat proved, parents and consumers want to make sure that the job is finished. And while we must give the video game industry a fair opportunity to address this issue, we must also be prepared to take action if our goals are not met on a timely basis.

Mr. President, video games—more than most forms of entertainment—are aimed at our children. These games can influence our children, teach them new skills, and help them develop positive values. And with interactive technology and virtual reality, video games are going to become even more sophisticated and persuasive. So parents and consumers need to know what our kids are exposed to and what they learn from those games.

Mr. President, that is why I believe it is necessary to move ahead with the legislation we are introducing today. As someone who has spent his adult life in business, I know that if the entire video game industry makes the development and enforcement of a meaningful rating system a priority, then it will happen—quickly, effectively, and without chilling freedom of expression.

Now, Mr. President, let me tell you what the bill will do. Our legislation is simple, straightforward and effective. The Video Game Rating Act creates a five-member bipartisan—with members appointed by the President—Interactive Entertainment Rating Commission. The goal of the Commission is to develop a system for providing parents and other consumers with information about graphic or sexually explicit material contained in some video games. The measure also provides for a one-year grace period during which the video game industry will have sole responsibility for developing a rating system. If the effort is successful, the Commission will issue a report to the President and then disband. But if not, the Commission will have the power to develop an effective system by itself. The measure also provides a narrow exemption from antitrust laws to ensure that the industry can develop a voluntary rating system without fear of antitrust exposure.

Mr. President, I look forward to working with the video game industry as it develops a voluntary response to the concerns of the American people. I believe, however, that we must be prepared to move ahead if these efforts falter, and that is why Senator LIEBERMAN and I are today introducing the Video Game Rating Act of 1994.

By Mr. BOREN (for himself and Mr. DOMENICI):

S. 1824. A bill to improve the operations of the legislative branch of the Federal Government, and for other purposes; to the Committee on Rules and Administration.

LEGISLATIVE REORGANIZATION ACT OF 1994

Mr. BOREN. Mr. President, today Senator DOMENICI and I are introducing legislation to reform this institution. The bill represents the work of the 1993 Joint Committee on the Organization of Congress.

The need to reform this institution is obvious to all who serve here. Public

confidence in Congress continues to hover around historic lows. We here know that with the challenges facing our country, we must improve the efficiency and accountability of the Congress if we are to regain the confidence of the average citizen. The goal of the work of the joint committee was to demonstrate to the public that we intended to merit their trust.

One year ago, the Joint Committee started what became the most comprehensive set of hearings and consultations ever done by a reform committee, including the first Joint Committee on the Organization of Congress of 1945. We held 6 months of hearings, heard from over 240 witnesses, and received over 500 different recommendations.

It was a challenging year. Institutional change and reform is never easy. Throughout, I benefited from the wisdom and leadership of the joint committee's vice chairman, Senator DOMENICI. Reform of Congress has long been a priority of my friend from New Mexico, who served on the last major reform panel in the Senate, the 1976 Stevenson committee. In addition, I would like to extend my gratitude to the other members of the joint committee, who did this body a great service. Finally, and most importantly, I want to thank the majority and minority leaders, who served as ex officio members, and without whose support we could not have completed our task. I also want to thank my House colleagues, the co-chair for the House, LEE HAMILTON and vice co-chair DAVID DREIER who gave many hours and great dedication to this reform effort.

The overriding theme throughout the year-long deliberations of the joint committee was that Senators today are spread too thin among all their various responsibilities and committee assignments. One of the joint committee's first witnesses, Senator ROBERT C. BYRD, eloquently termed this problem as the "fractured attention spans" of Senators and spoke of its harmful effects:

> In our system, the Senate's role as a deliberative body should be to endeavor to help the people hear all sides so that consensus may form. Yet, as an institution, the Senate is more and more ceasing to perform that deliberative function—It has lost its soul.

There are many reasons for this. Since the last major reform era, committees have grown in size and subcommittees have proliferated. This vast structure in turn generates more legislation proposals, hearings, and interest group activity while rarely leading toward actual lawmaking. Today more bills are proposed and fewer are enacted than ever before in Congress' history. Instead of assisting the Congress, this committee and subcommittee growth has increasingly prevented Congress from focusing on the major issues of the day and performing its legislative and oversight responsibilities.

Since the Budget and Impoundment Control Act in 1974 was enacted, budgetary issues have grown more complex and have come to dominate the activities of Congress. Ironically, while Congress has spent a great deal of time debating the budget, issues are not being resolved and the Senate is instead voting on the same matter time and time again. In short, the Congress is spending more time and deciding less.

The average Senator sits on 12 committee and subcommittee panels. These panels often meet at the same time, and cause Members to run from hearing to hearing, meeting to meeting, and throughout called to the Senate floor for votes. They often are unable to listen to their colleagues debate on the floor or to sit down and work together on an issue.

After four decades during which the resources and staffing of the Federal Government expanded, we are now in a period of downsizing, in the executive and legislative branches. Finally, after moves over the last 20 years to reduce the authority of committee and party leaders, now many see the need to enhance the resources and responsibilities of these same leaders in order to maintain Congress' ability to function effectively.

Former Vice President Walter Mondale, the last witness to appear before the joint committee and himself a leading figure in earlier Senate reforms, echoed the sentiments of Senator BYRD and called for a review of all reform proposals under a single standard:

> To what extent will it enhance this institution's ability to think, to learn, reflect upon and debate the pressing issues facing our country?

The recommended reforms in this legislation, which the Senate members of the joint committee unanimously adopted, are aimed at helping the Senate to address these problems. The proposals range from reforms of the committee system to fundamental changes in the budget process. Overall, the recommendations are guided by a set of principles that the joint committee heard throughout 6 months of comprehensive hearings.

These principles are:

Strengthen the ability of Senators to legislate and to deliberate.

Make Congress more effective and credible.

Enhance accountability, responsibility, and openness in decisionmaking.

Streamline the institution, reduce overlap, and eliminate redundancy.

Reduce the problem of fractured attention.

Congress has lost its ability to focus on the major problems our Nation faces. We must improve the efficiency and accountability of this institution if we are to regain the confidence of the public. I believe the package crafted by the joint committee will change for the better the way Congress does its business.

The proposal will:

Streamline the Senate committee system. It would limit Senators to three full committees and five subcommittees. It would limit committees to no more than three subcommittees. It would abolish the four joint committees.

Reduce congressional staff. The joint committee proposes that Congress make comparable reductions as the staffing reductions proposed by President Clinton and Vice President GORE for the executive branch.

Improve floor procedure and make the Senate schedule more predictable.

We propose that committees meet only on certain days, and that the Senate leadership have more authority to set the legislative schedule. Our proposal to limit the debate on the motion to proceed will allow the leaders to bring up bills without requiring the consent of all 100 Senators. This also will end the leadership's need to honor holds.

Create a more responsible budget process that is less repetitious, less complicated, and more understandable.

We propose a system of biennial budgeting. A 2-year process will permit Congress to spend 1 year on budget matters and the second year on authorizations, oversight, and nonbudgetary legislation. Members will spend more time overseeing programs to make certain that taxpayer money is spent wisely.

Additional recommendations would improve operations of the support agencies, improve relations between the branches of Government, and reform governmental printing. We also intended to include specific proposals to reform the ethics process and to bring Congress under labor and other laws we have applied on the executive branch and the private sector. Two Senate task forces addressed these issues during last year, and their recommendations could become parts of the final reform package debated by the Senate later this year.

I believe this package is comprehensive, integrated, and represents true, bipartisan reform. There is something in this plan with which every individual Senator can disagree. But as a comprehensive plan, it gives to the Senate—and more importantly to the American people—the hope that we will fundamentally improve how we conduct business in the Congress.

All of the recommendations will, if implemented, substantially strengthen the Congress and improve the ability of individual Senators to meet their constitutional responsibilities.

Mr. President, as I say, we will be acting on this soon. The chairman of the Rules Committee, Senator FORD,

has already indicated that he is scheduling hearings later on this month.

This is a matter, I alert my colleagues, which will be coming to the Senate floor expeditiously, a matter on which we will be voting, a matter on which we will have an opportunity to demonstrate to those people who sent us here that we are going to keep faith with them; we are going to keep faith with the history and integrity of the institution by making the recommended reforms that are necessary.

In closing, Mr. President, I also want to thank the staff of the joint committee who enabled us to meet our 1-year time deadline to finish our work so that this could be a truly temporary committee which would automatically go out of existence when its work was done. Not only was the work done on time, it was done under budget. Our committee was able to return over $300,000, almost one-third of its authorized budget which was not spent. The staff included Kim Wincap, staff director, Walter Olsezek, policy director, Kelly Cordes, chief clerk, my own able staff designee John Deeken, and Nick Wise and Larry Evans. These dedicated staff members deserve the thanks of all of the Members of this institution.

Mr. President, I ask unanimous consent that the executive summary from the Senate report of the Joint Committee on the Organization of Congress, Senate Report 103–215, as well as the text of the legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1824

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Legislative Reorganization Act of 1994".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

SEC. 2. RULEMAKING POWER OF SENATE AND HOUSE OF REPRESENTATIVES.

The provisions of this Act (as applicable) are enacted by the Congress—

(1) insofar as applicable to the Senate, as an exercise of the rulemaking power of the Senate and, to the extent so applicable, those sections are deemed a part of the Standing Rules of the Senate, superseding other individual rules of the Senate only to the extent that those sections are inconsistent with those other individual Senate rules, subject to and with full recognition of the power of the Senate to enact or change any rule of the Senate at any time in its exercise of its constitutional right to determine the rules of its proceedings; and

(2) insofar as applicable to the House of Representatives, as an exercise of the rulemaking power of the House of Representatives, subject to and with full recognition of the power of the House of Representatives to enact or change any rule of the House at any time in its exercise of its constitutional right to determine the rules of its proceedings.

TITLE I—REFORM OF THE SENATE

SEC. 101. SENATE COMMITTEE ASSIGNMENTS.

Rule XXIV of the Standing Rules of the Senate is amended to read as follows:

"RULE XXIV

"APPOINTMENT OF COMMITTEES

"Appointments to standing committees and all other committees shall be made by the majority leader and the minority leader for each member of their respective parties. Such appointments shall be subject to any rules adopted by the respective party caucuses.".

SEC. 102. SENATE COMMITTEE STRUCTURE.

(a) COMMITTEE AND SUBCOMMITTEE ASSIGNMENTS.—Paragraphs 2, 3, and 4 of rule XXV of the Standing Rules of the Senate are amended to read as follows:

"2. (a) Except as otherwise provided by paragraph 4 of this rule, each of the following standing committees shall consist of the number of Senators set forth in the following table on the line on which the name of that committee appears:

"Committee:	Members
"Appropriations	___
"Armed Services	___
"Finance	___
"Foreign Relations	___

"(b) Except as otherwise provided by paragraph 4 of this rule, each of the following standing committees shall consist of the number of Senators set forth in the following table on the line on which the name of that committee appears:

"Committee:	Members
"Agriculture, Nutrition, and Forestry	___
"Banking, Housing, and Urban Affairs	___
"Commerce, Science, and Transportation	___
"Energy and Natural Resources	___
"Environment and Public Works	___
"Governmental Affairs	___
"Judiciary	___
"Labor and Human Resources	___

"(c) The committees listed in this paragraph (except for the Committee on Appropriations) shall not have more than 3 subcommittees.

"3. (a) Except as otherwise provided by paragraph 4 of this rule, each of the following standing committees shall consist of the number of Senators set forth in the following table on the line on which the name of that committee appears:

"Committee:	Members
"Aging	___
"Budget	___
"Indian Affairs	___
"Rules and Administration	___
"Small Business	___
"Veterans' Affairs	___

"(b) The following committee shall consist of the number of Senators set forth in the following table:

"Committee:	Members
"Ethics	___
"Intelligence	___

"(c) The committees listed in this paragraph shall not have more than 2 subcommittees.

"4. (a) Except as otherwise provided by this paragraph—

"(1) each Senator may serve on only one committee listed in paragraph 2(a) and only two committees listed in paragraph 2; and

"(2) each Senator may serve on only one committee listed in paragraph 3(a).

"(b)(1) Each Senator may serve on not more than two subcommittees of each committee (other than the Committee on Appropriations) listed in paragraph 2 of which he is a member.

"(2) Each Senator may serve on not more than one subcommittee of a committee listed in paragraph 3(a) of which he is a member.

"(3) Notwithstanding subparagraphs (1) and (2), a Senator serving as chairman or ranking minority member of a standing, select, or special committee of the Senate may serve ex officio, without vote, as a member of any subcommittee of such committee.

"(4) No committee of the Senate may establish any subunit of that committee other than a subcommittee, unless the Senate by resolution has given permission therefore.

"(c) By agreement entered into by the majority leader and the minority leader, the membership of one or more standing committees may be increased temporarily from time to time by such number or numbers as may be required to accord to the majority party a majority of the membership of all standing committees. When any such temporary increase is necessary to accord to the majority party a majority of the membership of all standing committees, members of the majority party in such number as may be required for that purpose may serve as members of three standing committees listed in paragraph 2. No such temporary increase in the membership of any standing committee under this subparagraph shall be continued in effect after the need therefore has ended. No standing committee may be increased in membership under this subparagraph by more than two members in excess of the number prescribed for that committee by paragraph 2 or 3(a).

"(d)(1) No Senator shall serve at any time as chairman of more than one standing, select, or special committee of the Senate.

"(2)(A) A Senator who is serving as the chairman of a committee listed in paragraph 2 or 3(a) may serve at any time as the chairman of only one subcommittee of all committees listed in paragraphs 2 and 3(a) of which he is a member.

"(B) Any Senator other than a Senator described in division (A) may serve as—

"(i) the chairman of only one subcommittee of each committee listed in paragraph 2 or 3(a), of which he is a member; and

"(ii) the chairman of only two subcommittees of the committees listed in paragraphs 2 and 3(a).

"(e) The provisions of this paragraph may only be waived by the Senate by a resolution designating the Senator or Senators receiving the waiver and adopted by an affirmative yea-and-nay vote of the Senators duly chosen and sworn. The resolution shall be offered by the majority leader with the approval of the minority leader. The resolution shall be privileged and no amendment thereto shall be in order. Debate on the resolution shall be limited to one hour, equally divided.".

(b) ABOLITION OF REDUCED COMMITTEES.—

(1) NOTIFICATION.—The majority leader and the minority leader shall notify the chairman of the Committee on Rules and Administration not later than 30 days after the convening of a Congress if the number of majority and minority members of a committee of the Senate for such Congress each fall below 50 percent of the number of such members serving on the committee at the end of the 102d Congress.

(2) RESOLUTION ABOLISHING.—The Committee on Rules and Administration shall report to the Senate a resolution abolishing such committee not later than 30 days after receiving notice under paragraph (1). The Senate shall consider and act upon the resolution not later than 20 session days after the resolution is reported.

(3) ADJUSTING OTHER COMMITTEES.—If a committee is abolished by a resolution pursuant to paragraph (2), the majority leader and the minority leader may adjust the membership of other committees to provide for members of the abolished committee.

SEC. 103. SENATE SCHEDULING.

Paragraph 3 of rule XXVI of the Standing Rules of the Senate is amended to read as follows:

"3. (a)(1) The provisions of this subparagraph apply to the committees' meetings (including meetings to conduct hearings) held on Tuesday, Wednesday, or Thursday.

"(2) On Tuesdays, only those committees listed in paragraph 2(a) of rule XXV (except the Committee on Appropriations) shall meet for the transaction of business before the committee.

"(3) On Wednesdays, only those committees listed in paragraph 2(b) of rule XXV shall meet for the transaction of business before the committee.

"(4) On Thursdays, only those committees listed in paragraph 3(a) of rule XXV (except the Committee on the Budget) shall meet for the transaction of business before the committee.

"(5) Subcommittees of a full committee referred to in division (2), (3), or (4) may only meet on the day assigned to the full committee. Subcommittees may not meet when the full committee is meeting.

"(6) No committee of the Senate or any subcommittee thereof may meet, without special leave, on a day not designated for such committee or subcommittee under this subparagraph unless consent therefore has been obtained from the majority leader and the minority leader (or in the event of the absence of either of such leader, from the designee of the leaders). The majority leader or the designee of the majority leader shall announce to the Senate whenever consent has been given under this division and shall state the time and place of such meeting. The right to make such announcement of consent shall have the same priority as the filing of a cloture motion.

"(b) If at least three members of any committee desire that a special meeting of the committee be called by the chairman and subject to the provisions of subparagraph (a), those members may file in the offices of the committee their written request to the chairman for that special meeting. Immediately upon the filing of the request, the clerk of the committee shall notify the chairman of the filing of the request. If, within three calendar days after the filing of the request, the chairman does not call the requested special meeting, to be held within seven calendar days after the filing of the request, a majority of the members of the committee may file in the offices of the committee their written notice that a special meeting of the committee will be held, specifying the date and hour of that special meeting. The committee shall meet on that date and hour. Immediately upon the filing of the notice, the clerk of the committee shall notify all members of the committee that such special meeting will be held and inform them of its date and hour. If the chairman of any such committee is not present at any regular, additional, or special meeting of the committee, the ranking member of the majority party on the committee who is present shall preside at that meeting.".

SEC. 104. PROXY VOTES.

The paragraph 7 of rule XXVI of the Standing Rules of the Senate is amended by adding at the end thereof the following:

"(d) Notwithstanding any other provision of this paragraph, no vote of any member of any committee may be cast by proxy unless the addition of the vote to the vote totals does not effect the result of the vote totals.".

SEC. 105. SENATE COMMITTEE ATTENDANCE.

Rule XXVI of the Standing Rules of the Senate is amended by adding at the end thereof the following:

"(14) The chairman of each committee of the Senate shall publish, in the Congressional Record, the committee attendance and voting records of each member of the committee on or before July 1 and December 31.".

SEC. 106. SENATE FLOOR PROCEEDINGS.

(a) REQUIREMENT OF A THREE-FIFTHS VOTE TO OVERTURN THE CHAIR POST-CLOTURE.—The third undesignated paragraph of paragraph 2 of rule XXII of the Standing Rules of the Senate is amended by adding at the end thereof the following: "Appeals from the decision of the Presiding Officer shall require an affirmative vote of three-fifths of the Senators duly chosen and sworn—except on a measure or motion to amend the Senate rules, in which case the necessary affirmative vote shall be two-thirds of the Senators present and voting.".

(b) NONDEBATABLE MOTION TO PROCEED.—Paragraph 2 of rule VIII of the Standing Rules of the Senate is amended by striking the period at the end thereof and inserting the following: "; except those motions to proceed made by the majority leader, or his designee, on which there shall be a time limitation for debate of two hours equally divided between the majority and the minority leaders, or their designees. Any such motion to proceed, by the majority leader, or any other Senator, to any motion, resolution, or proposal to change any of the Standing Rules of the Senate shall be debatable.".

(c) CHARGING QUORUM CALLS AGAINST AN INDIVIDUAL'S TIME UNDER CLOTURE.—The first sentence of the third undesignated paragraph of paragraph 2 of rule XXII of the Standing Rules of the Senate is amended by striking the period and inserting the following: ", with the time consumed by quorum calls being charged to the Senator who requested the call of the quorum.".

(d) DISPENSING WITH THE READING OF CONFERENCE REPORTS.—Paragraph 1 of rule XXVIII of the Standing Rules of the Senate is amended by striking "and shall be determined without debate." and inserting the following: "notwithstanding a request for the reading of the conference report (if such report is printed and available one day prior to the motion to consider), and shall be determined without debate.".

(e) SENSE OF THE SENATE RESOLUTIONS.—Rule XV of the Standing Rules of the Senate is amended by inserting at the end thereof the following:

"6. On a point of order made by any Senator, no amendment expressing the sense of the Senate or the sense of the Congress, or an amendment to such amendment, shall be received unless the amendment is signed by at least 10 Senators.".

SEC. 107. DEDICATION OF UNEXPENDED FUNDS TO DEFICIT REDUCTION.

(a) INTERIM RULES.—Not later than January 1, 1995 and each year thereafter through 1998, the Secretary of the Senate shall certify and publish in the Congressional Record a list identifying each member of the Senate who has used less than the amount allocated to the personal office of the member during the preceding fiscal year and the amount of such unused allocation.

(b) DEDICATION OF UNEXPENDED FUNDS BEGINNING WITH FISCAL YEAR 1999.—Not later

than January 1, 1999 and each year thereafter, the Secretary of the Senate shall notify each Member of the Senate of the difference between the total obligations incurred by his personal office and the allocations for administrative expenses, legislative assistants, and clerk hire available to the Member for the preceding fiscal year. Within 30 days after the date of such notification, any Member pursuant to this subsection may direct the Secretary of the Senate to submit a rescission request for such amount from unobligated balances for that fiscal year.

(c) PERFORMANCE REVIEW GUIDANCE.—In conducting the performance review required by section 331, the Senate committees shall include a plan to reduce the disparity between appropriations and allocations to Members.

TITLE II—REFORM OF THE HOUSE OF REPRESENTATIVES

TITLE III—REFORM OF THE CONGRESS

Subtitle A—Budget Process

PART I—BIENNIAL BUDGETING

SEC. 301. REVISION OF TIMETABLE.

Section 300 of the Congressional Budget Act of 1974 (2 U.S.C. 631) is amended to read as follows:

"TIMETABLE

"SEC. 300. (a) IN GENERAL.—Except as provided by subsection (b), the timetable with respect to the congressional budget process for any Congress (beginning with the One Hundred Fourth Congress) is as follows:

"First Session

"On or before:	Action to be completed:
First Monday in February.	President submits budget recommendations.
February 15.	Congressional Budget Office submits report to Budget Committees.
Within 6 weeks after budget submission.	Committees submit views and estimates to Budget Committees.
April 1	Budget Committees report concurrent resolution on the biennial budget.
April 15 ...	Congress completes action on concurrent resolution on the biennial budget.
May 15	Biennial appropriation bills may be considered in the House.
June 10	House Appropriations Committee reports last biennial appropriation bill.
June 15	Congress completes action on reconciliation legislation.
June 30	Congress completes action on biennial appropriation bills.
October 1	Biennium begins.

"Second Session

"On or before:	Action to be completed:
May 15	Congressional Budget Office submits report to Budget Committees.
The last day of the session.	Congress completes action on bills and resolutions authorizing a new budget authority for the succeeding biennium.

"(b) SPECIAL RULE.—In the case of any session of Congress that begins in any year immediately following a leap year and during which the term of a President (except a President who succeeds himself) begins, the following dates shall supersede those set forth in subsection (a):

"(1) First Monday in April, President submits budget recommendations.

"(2) April 20, committees submit views and estimates to Budget Committees.

"(3) May 15, Budget Committees report concurrent resolution on the biennial budget.

"(4) June 1, Congress completes action on concurrent resolution on the biennial budget.

"(5) July 1, biennial appropriation bills may be considered in the House.

"(6) July 20, House Appropriations Committee reports last biennial appropriation bill.".

SEC. 302. AMENDMENTS TO THE CONGRESSIONAL BUDGET AND IMPOUNDMENT CONTROL ACT OF 1974.

(a) DECLARATION OF PURPOSE.—Section 2(2) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621(2)) is amended by striking "each year" and inserting "biennially".

(b) DEFINITIONS.—

(1) Section 3(4) of such Act (2 U.S.C. 622(4)) is amended by striking "fiscal year" each place it appears and inserting "biennium".

(2) Section 3 of such Act (2 U.S.C. 622) is further amended by adding at the end the following new paragraph:

"(12) The term 'biennium' means the period of 2 consecutive fiscal years beginning on October 1 of any odd-numbered year.".

(c) BIENNIAL CONCURRENT RESOLUTION ON THE BUDGET.—

(1) Section 301(a) of such Act (2 U.S.C. 632(a)) is amended—

(A) by striking "April 15 of each year" and inserting "April 15 of each odd-numbered year";

(B) by striking "the fiscal year beginning on October 1 of such year" the first place it appears and inserting "the biennium beginning on October 1 of such year";

(C) by striking "the fiscal year beginning on October 1 of such year" the second place it appears and inserting "each fiscal year in such period";

(D) by striking "and planning levels for each of the two ensuing fiscal years" and inserting "and the appropriate levels for each of the 3 ensuing fiscal years";

(E) in paragraph (6) by striking "for the fiscal year of the resolution and each of the 4" and inserting "for the biennium of the resolution and each of the 3"; and

(F) in paragraph (7) by striking "for the fiscal year of the resolution and each of the 4" and inserting "for the biennium of the resolution and each of the 3".

(2) Section 301(b) of such Act (2 U.S.C. 632(b)) is amended—

(A) in the matter preceding paragraph (1) by inserting "for a biennium" after "concurrent resolution on the budget"; and

(B) in paragraph (3) by striking "for such fiscal year" and inserting "for either fiscal year in such biennium".

(3) Section 301(d) of such Act (2 U.S.C. 632(d)) is amended by inserting "(or, if applicable, as provided by section 300(b))" after "United States Code".

(4) Section 301(e) of such Act (2 U.S.C. 632(e)) is amended—

(A) in the first sentence by striking "fiscal year" and inserting "biennium";

(B) by inserting between the second and third sentences the following new sentence: "On or before April 1 of each odd-numbered year (or, if applicable, as provided by section 300(b)) the Committee on the Budget of each House shall report to its House the concurrent resolution on the budget referred to in subsection (a) for the biennium beginning on October 1 of that year.";

(C) in paragraph (6) by striking "such fiscal year" and inserting "the first fiscal year of such biennium,"; and

(D) in paragraph (10) by striking "the fiscal year covered" and inserting "the biennium covered".

(5) Section 301(f) of such Act (2 U.S.C. 632(f)) is amended by striking "fiscal year" each place it appears and inserting "biennium".

(6) Section 301(g)(1) of such Act (U.S.C. 632(g)(1)) is amended by striking "for a fiscal year" and inserting "for a biennium".

(7) The section heading of section 301 of such Act is amended by striking "**ANNUAL**" and inserting "**BIENNIAL**".

(8) The table of contents set forth in section 1(b) of such Act is amended by striking "Annual" in the item relating to section 301 and inserting "Biennial".

(d) SECTION 302 COMMITTEE ALLOCATIONS.—Section 302(a)(2) of such Act (2 U.S.C. 633(a)(2)) is amended by striking "fiscal year of the resolution and each of the 4 succeeding fiscal years" and inserting "the biennium of the resolution and each of the 3 succeeding fiscal years".

(e) SECTION 303 POINT OF ORDER.—

(1) Section 303(a) of such Act (2 U.S.C. 634(a)) is amended by striking "fiscal year" each place it appears and inserting "biennium".

(2) Section 303(b) of such Act (2 U.S.C. 634(b)) is amended—

(A) in subparagraphs (A) and (B) of paragraph (1) by striking "the fiscal year" each place it appears and inserting "biennium";

(B) in paragraph (1) by striking "any calendar year" and inserting "any odd-numbered calendar year (or, if applicable, as provided by section 300(b))"; and

(C) by striking paragraph (2), striking "(1)", and redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

(f) PERMISSIBLE REVISIONS OF CONCURRENT RESOLUTIONS ON THE BUDGET.—Section 304(a) of such Act (2 U.S.C. 635) is amended—

(1) by striking "fiscal year" the first two places it appears and inserting "biennium";

(2) by striking "for such fiscal year"; and

(3) by inserting before the period "for such biennium".

(g) PROCEDURES FOR CONSIDERATION OF BUDGET RESOLUTIONS.—Section 305(a)(3) of such Act (2 U.S.C. 636(b)(3)) is amended by striking "fiscal year" and inserting "biennium".

(h) REPORTS AND SUMMARIES OF CONGRESSIONAL BUDGET ACTIONS.—Section 308(a)(1)(A) of such Act (2 U.S.C. 639(a)(1)) is amended by striking "fiscal year (or fiscal years)" and inserting "biennium".

(i) COMPLETION OF ACTION ON REGULAR APPROPRIATION BILLS.—Section 309 of such Act (2 U.S.C. 640) is amended—

(1) by inserting "of any odd-numbered calendar year" after "July";

(2) by striking "annual" and inserting "regular"; and

(3) by striking "fiscal year" and inserting "biennium".

(j) RECONCILIATION PROCESS.—

(1) Section 310(a) of such Act (2 U.S.C. 641(a)) is amended—

(A) by striking "any fiscal year" in the matter preceding paragraph (1) and inserting "any biennium";

(B) in paragraph (1) by striking "such fiscal year" each place it appears and inserting "each fiscal year in such biennium"; and

(C) in paragraph (2) by inserting "for each fiscal year in such biennium" after "revenues".

(2) Section 310(f) of such Act (2 U.S.C. 641(f)) is amended by striking "for such fiscal year" and inserting "for such biennium".

(k) SECTION 311 POINT OF ORDER.—

(1)(A) Section 311(a)(1) of such Act (2 U.S.C. 642(a)) is amended—

(i) by striking "for a fiscal year" and inserting "for a biennium";

(ii) by striking "such fiscal year" the first place it appears and inserting "either fiscal year in such biennium";

(iii) by striking "during such fiscal year" and inserting "during either fiscal year in such biennium";

(iv) by striking "revenues for such fiscal year" and inserting "revenues for a fiscal year"; and

(v) by striking "budget for such fiscal year" and inserting "budget for either fiscal year in such biennium".

(B) Section 311(a)(2)(A) of such Act is amended—

(i) by striking "for the first" and inserting "for either";

(ii) by striking "covering such fiscal year" and inserting "covering such biennium";

(iii) by striking "the first fiscal year covered" and inserting "either fiscal year in such biennium covered";

(iv) by striking "the first fiscal year plus" and inserting "the biennium plus"; and

(v) by striking "4 fiscal years" and inserting "3 fiscal years".

(2) Section 311(b) of such Act (2 U.S.C. 642(b)) is amended by striking "such fiscal year" the second place it appears and inserting "either fiscal year in such biennium".

(l) BILLS PROVIDING NEW SPENDING AUTHORITY.—Section 401(b)(2) of such Act (2 U.S.C. 651(b)(2)) is amended by striking "for such fiscal year" the second place it appears and inserting "for the biennium in which such fiscal year occurs".

(m) DATE OF ADJUSTING ALLOCATIONS.—Section 603(a) of such Act (2 U.S.C. 665b) is amended by inserting after "April 15" the following "(or if section 300(b) applies by June 15th)".

SEC. 303. AMENDMENTS TO TITLE 31, UNITED STATES CODE.

(a) DEFINITION.—Section 1101 of title 31, United States Code, is amended by adding at the end thereof the following new paragraph:

"(3) 'biennium' has the meaning given to such term in paragraph (12) of section 3 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(12)).".

(b) BUDGET CONTENTS AND SUBMISSION TO THE CONGRESS.—

(1) So much of section 1105(a) of title 31, United States Code, as precedes paragraph (1) thereof is amended to read as follows:

"(a) On or before the first Monday in February of each odd-numbered year (or, if applicable, as provided by section 300(b) of the Congressional Budget Act of 1974), beginning with the One Hundred Fourth Congress, the President shall transmit to the Congress, the budget for the biennium beginning on October 1 of such calendar year. The budget transmitted under this subsection shall include a budget message and summary and supporting information. The President shall include in each budget the following:".

(2) Section 1105(a)(5) of title 31, United States Code, is amended by striking "the fiscal year for which the budget is submitted and the 4 fiscal years after that year" and inserting "each fiscal year in the biennium for which the budget is submitted and in the succeeding 3 years".

(3) Section 1105(a)(6) of title 31, United States Code, is amended by striking "the fiscal year for which the budget is submitted and the 4 fiscal years after that year" and inserting "each fiscal year in the biennium for which the budget is submitted and in the succeeding 3 years".

(4) Section 1105(a)(9)(C) of title 31, United States Code, is amended by striking "the fiscal year" and inserting "each fiscal year in the biennium".

(5) Section 1105(a)(12) of title 31, United States Code, is amended—

(A) by striking "the fiscal year" in subparagraph (A) and inserting "each fiscal year in the biennium"; and

(B) by striking "4 fiscal years after that year" in subparagraph (B) and inserting "3 fiscal years immediately following the second fiscal year in such biennium".

(6) Section 1105(a)(13) of title 31, United States Code, is amended by striking "the fiscal year" and inserting "each fiscal year in the biennium".

(7) Section 1105(a)(14) of title 31, United States Code, is amended by striking "that year" and inserting "each fiscal year in the biennium for which the budget is submitted".

(8) Section 1105(a)(16) of title 31, United States Code, is amended by striking "the fiscal year" and inserting "each fiscal year in the biennium".

(9) Section 1105(a)(17) of title 31, United States Code, is amended—

(A) by striking "the fiscal year following the fiscal year" and inserting "each fiscal year in the biennium following the biennium";

(B) by striking "that following fiscal year" and inserting "each such fiscal year"; and

(C) by striking "fiscal year before the fiscal year" and inserting "biennium before the biennium".

(10) Section 1105(a)(18) of title 31, United States Code, is amended—

(A) by striking "the prior fiscal year" and inserting "each of the 2 most recently completed fiscal years";

(B) by striking "for that year" and inserting "with respect to that fiscal year"; and

(C) by striking "in that year" and inserting "in that fiscal year".

(11) Section 1105(a)(19) of title 31, United States Code, is amended—

(A) by striking "the prior fiscal year" and inserting "each of the 2 most recently completed fiscal years";

(B) by striking "for that year" and inserting "with respect to that fiscal year"; and

(C) by striking "in that year" each place it appears and inserting "in that fiscal year".

(c) ESTIMATED EXPENDITURES OF LEGISLATIVE AND JUDICIAL BRANCHES.—Section 1105(b) of title 31, United States Code, is amended by striking "each year" and inserting "each even-numbered year".

(d) RECOMMENDATIONS TO MEET ESTIMATED DEFICIENCIES.—Section 1105(c) of title 31, United States Code, is amended—

(1) by striking "fiscal year for" each place it appears and inserting "biennium for";

(2) by inserting "or current biennium, as the case may be," after "current fiscal year"; and

(3) by striking "that year" and inserting "that period".

(e) STATEMENT WITH RESPECT TO CERTAIN CHANGES.—Section 1105(d) of title 31, United States Code, is amended by striking "fiscal year" and inserting "biennium".

(f) CAPITAL INVESTMENT ANALYSIS.—Section 1105(e) of title 31, United States Code, is amended by striking "ensuing fiscal year" and inserting "biennium to which such budget relates".

(g) SUPPLEMENTAL BUDGET ESTIMATES AND CHANGES.—

(1) Section 1106(a) of title 31, United States Code, is amended—

(A) in the matter preceding paragraph (1) by striking "fiscal year" and inserting "biennium";

(B) in paragraph (1) by striking "that fiscal year" and inserting "each fiscal year in such biennium";

(C) in paragraph (2) by striking "4 fiscal years following the fiscal year" and inserting "3 fiscal years following the biennium"; and

(D) by striking "fiscal year" in paragraph (3) and inserting "biennium".

(2) Section 1106(b) of title 31, United States Code, is amended by striking "the fiscal year" and inserting "each fiscal year in the biennium".

(h) CURRENT PROGRAMS AND ACTIVITIES ESTIMATES.—

(1) Section 1109(a) of title 31, United States Code, is amended—

(A) by striking "On or before the first Monday after January 3 of each year (on or before February 5 in 1994)" and inserting "At the same time the budget required by section 1105 is submitted for a biennium"; and

(B) by striking "the following fiscal year" and inserting "each fiscal year of such period".

(2) Section 1109(b) of title 31, United States Code, is amended by striking "March 1 of each year" and inserting "within 6 weeks of the President's budget submission for each odd-numbered year (or, if applicable, as provided by section 300(b) of the Congressional Budget Act of 1974)".

(i) YEAR-AHEAD REQUESTS FOR AUTHORIZING LEGISLATION.—Section 1110 of title 31, United States Code, is amended—

(1) by striking "fiscal year" and inserting "biennium (beginning on or after October 1, 1995)"; and

(2) by striking "year before the year in which the fiscal year begins" and inserting "second calendar year preceding the calendar year in which the biennium begins".

(j) BUDGET INFORMATION ON CONSULTING SERVICES.—Section 1114 of title 31, United States Code, is amended—

(1) by striking "The" each place it appears and inserting "For each biennium beginning with the biennium beginning on October 1, 1994, the"; and

(2) by striking "each year" each place it appears.

SEC. 304. TWO-YEAR APPROPRIATIONS; TITLE AND STYLE OF APPROPRIATIONS ACTS.

Section 105 of title 1, United States Code, is amended to read as follows:

"§ 105. Title and style of appropriations Acts

"(a) The style and title of all Acts making appropriations for the support of the Government shall be as follows: 'An Act making appropriations (here insert the object) for the biennium ending September 30 (here insert the odd-numbered calendar year).'.

"(b) All Acts making regular appropriations for the support of the Government shall be enacted for a biennium and shall specify the amount of appropriations provided for each fiscal year in such period.

"(c) For purposes of this section, the term 'biennium' has the same meaning as in section 3(11) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(11)).".

SEC. 305. CONFORMING AMENDMENTS TO RULES OF HOUSE OF REPRESENTATIVES.

(a) Clause 4(a)(1)(A) of rule X of the Rules of the House of Representatives is amended by inserting "odd-numbered" after "each".

(b) Clause 4(a)(2) of rule X of the Rules of the House of Representatives is amended by

striking "such fiscal year" and inserting "the biennium in which such fiscal year begins".

(c)(1) Clause 4(b)(2) of rule X of the Rules of the House of Representatives is amended by striking "concurrent resolution on the budget for each fiscal year" and inserting "concurrent resolution on the budget required under section 301(a) of the Congressional Budget Act of 1974 for each biennium".

(2) Clause 4(b) of rule X of the Rules of the House of Representatives is amended by striking "and" at the end of subparagraph (4), by striking the period and inserting "; and" at the end of subparagraph (5), and by adding at the end the following new subparagraph:

"(6) to use the second year of each biennium to study issues with long-term budgetary and economic implications, which would include—

"(A) holding hearings to receive testimony from committees of jurisdiction to identify problem areas and to report on the results of oversight; and

"(B) by January 1 of each odd-numbered year, issuing a report to the Speaker which identifies the key issues facing the Congress in the next biennium.".

(d) Clause 4(f) of rule X of the Rules of the House of Representatives is amended by striking "annually" each place it appears and inserting "biennially".

(e) Clause 4(g) of rule X of the Rules of the House of Representatives is amended—

(1) by striking "March 15 of each year" and inserting "March 15 of each odd-numbered year (or, if applicable, as provided by section 300(b) of the Congressional Budget Act of 1974)";

(2) by striking "fiscal year" the first place it appears and inserting "biennium"; and

(3) by striking "that fiscal year" and inserting "each fiscal year in such ensuing biennium".

(f) Clause 4(h) of rule X of the Rules of the House of Representatives is amended by striking "fiscal year" and inserting "biennium".

(g) Subdivision (C) of clause 2(l)(1) of rule XI of the Rules of the House of Representatives is repealed.

(h) Clause 4(a) of rule XI of the Rules of the House of Representatives is amended by striking "fiscal year if reported after September 15 preceding the beginning of such fiscal year" and inserting "biennium if reported after August 1 of the year in which such biennium begins".

(i) Clause 2 of rule XLIX of the Rules of the House of Representatives is amended by striking "fiscal year" and inserting "biennium".

SEC. 306. MULTIYEAR AUTHORIZATIONS.

(a) IN GENERAL.—Title III of the Congressional Budget Act of 1974 is amended by adding at the end the following new section:

"AUTHORIZATIONS OF APPROPRIATIONS

"SEC. 314. It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, or conference report that authorizes appropriations for a period of less than 2 fiscal years, unless the program, project, or activity for which the funds are to be spent is of less than 2 years duration.".

(b) CONFORMING AMENDMENT.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by adding after the item relating to section 313 the following new item:

"Sec. 314. Authorizations of appropriations.".

PART II—ADDITIONAL BUDGET PROCESS CHANGES

SEC. 311. CBO REPORTS TO BUDGET COMMITTEES.

Section 308 of the Congressional Budget Act of 1974 is amended by—

(1) redesignating subsection (c) as subsection (d); and

(2) inserting after subsection (b) the following:

"(c) QUARTERLY BUDGET REPORTS.—The Congressional Budget Office shall, as soon as practicable after the completion of each quarter of the fiscal year, prepare an analysis comparing revenues, spending, and the deficit for the current fiscal year to assumptions included in the Congressional budget resolution. In preparing this report, the Congressional Budget Office shall combine actual budget figures to date with projected revenue and spending for the balance of the fiscal year. The Congressional Budget Office shall include any other information in this report that it deems useful for a full understanding of the current fiscal position of the Federal Government. The reports mandated by this subsection shall be transmitted by the Director to the Senate and House Committees on the Budget, and the Congressional Budget Office shall make such reports available to any interested party upon request.".

SEC. 312. BYRD RULE CLARIFICATIONS.

(a) PERMANENT EXTENSION OF BYRD RULE.—The first sentence of section 904(c) and the second sentence of section 904(d) of the Congressional Budget Act of 1974 are amended by inserting "313," after "306,".

(b) BYRD RULE CLARIFICATIONS.—Section 313 of the Congressional Budget Act of 1974 is amended—

(1) in subsection (b)(1)(A), by striking ", including changes in outlays and revenues brought about by changes in the terms and conditions under which outlays are made or revenues are required to be collected";

(2) by redesignating subsections (d) and (e) as subsections (e) and (f);

(3) by redesignating subsection (c), the second time it appears, as subsection (d) and inserting before "When" the following:

"(c) APPLICATION TO CONFERENCE REPORTS.—"; and

(4) in subsection (d) (as redesignated by paragraph (3))—

(A) in paragraph (1), by striking "and"; and

(B) by redesignating paragraph (2) as paragraph (3) and inserting after paragraph (1) the following:

"(2)(A) a point of order being made against any provision producing an increase in outlays in any fiscal year shall be considered extraneous if the net effect of provisions affecting outlays reported by the conferees would cause a Senate committee to fail to achieve its outlay instruction, and

"(B) a point of order being made against any provision producing a reduction in revenues in any fiscal year shall be considered extraneous if the net effect of provisions affecting revenues reported by the conferees would cause a Senate committee to fail to achieve its revenue instruction, and".

SEC. 313. GAO ASSISTANCE WITH AUTHORIZATIONS AND OVERSIGHT.

Section 717 of title 31, United States Code, is amended by adding at the end thereof the following:

"(e) During the second session of each Congress, the Comptroller General shall give priority to requests from Congress for audits and evaluations of Government programs and activities.".

Subtitle B—Staffing; Administration; and Support Agencies

SEC. 331. LEGISLATIVE BRANCH STREAMLINING AND RESTRUCTURING.

(a) PERFORMANCE REVIEW.—Not later than one year after the date of enactment of this Act, the Committee on Rules and Administration and the Committee on Appropriations of the Senate and the appropriate committees or task force of the House of Representatives shall submit to the leadership of their respective Houses a performance review together with any necessary implementing legislation for achieving efficiencies, economies, and reductions in the total number of full time equivalent positions in the legislative branch comparable to those proposed and implemented for the executive branch in the President's National Performance Review, submitted September 1993.

(b) REDUCTION BASE.—The reductions required by this section shall be made from a base of the total number of full time equivalent positions in the legislative branch on the date of introduction of S. Con. Res. 57 (102d Congress, 1st Session), the concurrent resolution establishing the Joint Committee on the Organization of Congress.

SEC. 332. AUTHORIZATION OF CERTAIN CONGRESSIONAL INSTRUMENTALITIES.

(a) IN GENERAL.—It is the intent of Congress that the General Accounting Office, Congressional Budget Office, Library of Congress, Government Printing Office, and Office of Technology Assessment shall be authorized for 8 fiscal years in accordance with this section.

(b) CYCLES.—

(1) GENERAL ACCOUNTING OFFICE.—The General Accounting Office shall be authorized by the enactment every eighth year beginning with fiscal year 1997 of an Act to authorize appropriations for that office for the next 8 fiscal years.

(2) LIBRARY OF CONGRESS.—The Library of Congress shall be authorized by the enactment every eighth year beginning with fiscal year 1999 of an Act to authorize appropriations for that office for the next 8 fiscal years.

(3) GOVERNMENT PRINTING OFFICE.—The Government Printing Office shall be authorized by the enactment every eighth year beginning with fiscal year 2001 of an Act to authorize appropriations for that office for the next 8 fiscal years.

(4) CONGRESSIONAL BUDGET OFFICE AND OFFICE OF TECHNOLOGY AND ASSESSMENT.—The Congressional Budget Office and Office of Technology Assessment shall be authorized by the enactment every eighth year beginning with fiscal year 2003 of an Act to authorize appropriations for those offices for the next 8 fiscal years.

(c) JURISDICTION.—

(1) IN GENERAL.—The Committee on Rules and Administration of the Senate and the appropriate committee in the House of Representatives shall have jurisdiction over the authorizations required by this section.

(2) OVERSIGHT.—In reauthorizing instrumentalities as required by this section, the committees referred to in paragraph (1) shall seek to—

(A) eliminate duplication between instrumentalities;

(B) consolidate activities; and

(C) increase efficiency within instrumentalities.

(d) COST ACCOUNTING REQUIREMENTS.—Effective on January 1, 1995, each instrumentality of the Congress providing support to the Congress shall prepare by not later than

December 31 of each year an annual report detailing the cost to the instrumentality of providing support to each committee of the Senate and Senator. The report shall be submitted to the Secretary of the Senate and included in the Secretary's semiannual report.

(e) VOUCHER ALLOCATION SYSTEM.—The Committee on Rules and Administration of the Senate and the appropriate committee of the House of Representatives shall study and report to their respective Houses as a part of their authorization responsibilities under subsection (c) concerning the feasibility of establishing a voucher allocation system for committees using the services of instrumentalities of Congress.

(f) REPEALERS.—

(1) GENERAL ACCOUNTING OFFICE.—Section 736 of title 31, United States Code, is repealed.

(2) CONGRESSIONAL BUDGET OFFICE.—Section 201(f) of the Congressional Budget Act of 1974 (2 U.S.C. 601(f)) is repealed.

(3) LIBRARY OF CONGRESS.—Any authorization of appropriations for the Library of Congress in effect on the effective date of this paragraph is repealed.

(4) GOVERNMENT PRINTING OFFICE.—Any authorization of appropriations for the Government Printing Office in effect on the effective date of this paragraph is repealed.

(5) OFFICE OF TECHNOLOGY ASSESSMENT.—Section 12 of the Technology Assessment Act of 1972 (2 U.S.C. 481) is repealed.

(6) EFFECTIVE DATE.—Paragraphs (1) and (2) shall take effect with respect to fiscal years beginning with fiscal year 1997. Paragraphs (3), (4), and (5) shall take effect with respect to fiscal years beginning with fiscal year 1999.

SEC. 333. DETAILEES FROM CONGRESSIONAL SUPPORT AGENCIES AND EXECUTIVE AGENCIES.

(a) REIMBURSEMENT.—The cost of the service on detail to a committee of the Senate or House of Representatives or the personal office of a member of the Senate or House of Representatives of a person who is regularly employed by an instrumentality of Congress or an executive agency shall be fully reimbursed to the instrumentality of Congress or executive agency by the committee or personal office that receives the service.

(b) DEFINITION.—In this section, the term "instrumentality of Congress" means—

(1) the General Accounting Office;

(2) the Congressional Budget Office;

(3) the Library of Congress;

(4) the Government Printing Office; and

(5) the Office of Technology Assessment.

Subtitle C—Abolishing the Joint Committees

PART I—JOINT ECONOMIC COMMITTEE

SEC. 361. JOINT ECONOMIC COMMITTEE.

(a) ABOLITION.—Effective beginning with the 104th Congress, the Joint Economic Committee is abolished.

(b) TRANSFER OF RESPONSIBILITY.—The Committee on the Budget and the appropriate committee of the House of Representatives shall be responsible for review of the Economic Report of the President required by section 103 of the Full Employment and Balanced Growth Act of 1978 (15 U.S.C. 1022).

PART II—JOINT COMMITTEE ON TAXATION

SEC. 362. JOINT COMMITTEE ON TAXATION.

(a) ABOLITION.—Effective beginning with the 104th Congress, the Joint Committee on Taxation is abolished.

(b) TRANSFER OF RESPONSIBILITY.—Section 202(b) of the Congressional Budget Act of 1974 is amended by—

(1) designating the text of such subsection as paragraph (1); and

(2) adding at the end thereof the following:

"(2) The Office shall provide technical guidance to the Committee on Finance and the Committee on Ways and Means with respect to taxation and tax legislation. The Office shall perform the responsibilities formerly assigned to the Joint Committee on Taxation upon the abolishment of such committee.".

(c) COMMITTEE TRANSFER OVERSIGHT.—The Committee on Rules and Administration and the appropriate committee of the House of Representatives shall report to the Congress a plan for the transfer of responsibilities and staff as required by this section.

PART III—JOINT COMMITTEE ON THE LIBRARY OF CONGRESS

SEC. 363. JOINT COMMITTEE ON THE LIBRARY OF CONGRESS.

(a) ABOLITION.—Effective beginning with the 104th Congress, the Joint Committee on the Library of Congress is abolished.

(b) TRANSFER OF RESPONSIBILITY.—Effective beginning with the 104th Congress, the responsibilities of the Joint Committee on the Library of Congress shall be performed by the Committee on Rules and Administration of the Senate and the appropriate committee of the House of Representatives.

PART IV—JOINT COMMITTEE ON PRINTING

SEC. 371. JOINT COMMITTEE ON PRINTING.

(a) ABOLITION.—Chapter 1 of title 44, United States Code, is repealed.

(b) TRANSFER OF RESPONSIBILITY.—Subject to subsection (c), all duties, authorities, responsibilities, and functions performed by the Joint Committee on Printing before the effective date of this part shall be performed by the Public Printer on and after such date.

(c) OVERSIGHT FUNCTIONS.—All legislative oversight jurisdiction, duties, authorities, responsibilities, and functions performed by the Joint Committee on Printing before the effective date of this part shall be performed by the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives on and after such date.

(d) REFERENCES.—Reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to the Joint Committee on Printing shall be deemed to refer to the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives, or the Public Printer, as appropriate.

SEC. 372. DEPUTY PUBLIC PRINTERS.

(a) IN GENERAL.—Section 302 of title 44, United States Code, is amended to read as follows:

"§ 302. Deputy Public Printers; appointments; duties

"(a)(1) The President of the United States shall nominate and, by and with the advice and consent of the Senate, appoint the—

"(A) Legislative Deputy Public Printer who shall also serve as the Superintendent of Documents;

"(B) Executive Deputy Public Printer; and

"(C) Judicial Deputy Public Printer.

"(2) Each Deputy Printer shall be a suitable person, who is a practical printer and versed in the art of bookbinding.

"(b) In addition to any other duties required by the Public Printer, the Legislative Deputy Public Printer shall perform all duties of the Government Printing Office relating to the Legislative branch, including all applicable duties performed under—

"(1) chapter 7 relating to Congressional printing and binding;

"(2) chapter 9 relating to the Congressional Record;

"(3) chapter 13 relating to particular reports and documents, including sections 1326 and 1332;

"(4) chapter 17 relating to the distribution and sale of public documents;

"(5) chapter 19 relating to the Depository Library Program;

"(6) chapter 27 relating to Advisory Committee on Records of Congress; and

"(7) section 3511 relating to services performed for the Federal Information Locator System.

"(c) In addition to any other duties required by the Public Printer, the Executive Deputy Public Printer shall perform all duties of the Government Printing Office relating to the Executive branch, including all applicable duties performed under—

"(1) chapter 5 relating to the production and procurement of printing and binding;

"(2) chapter 11 relating to Executive printing and binding;

"(3) chapter 13 relating to particular reports and documents; and

"(4) chapters 15, 21, 22, 23, 25, 29, 31, 33, 35, 37, and 39.

"(d) In addition to any other duties required by the Public Printer, the Judicial Deputy Public Printer shall perform all duties of the Government Printing Office relating to the Judicial branch, including all applicable duties performed under—

"(1) chapter 11 relating to Judiciary printing and binding, including printings under section 1120; and

"(2) chapter 13 relating to particular reports and documents.

"(e) The Public Printer, in consultation with the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives, shall determine the respective duties of the Deputy Public Printers under this section.".

(b) COMPENSATION.—Section 303 of title 44, United States Code, is amended in the second sentence by striking out "the Deputy Public Printer" and inserting in lieu thereof "each of the Deputy Public Printers".

(c) SUCCESSION.—Section 304 of title 44, United States Code, is amended by striking out "the Deputy Public Printer" and inserting in lieu thereof "one of the Deputy Public Printers designated by the President".

(d) TECHNICAL AND CONFORMING AMENDMENTS.—(1) The table of sections for chapter 3 of title 44, United States Code, is amended by striking out the item relating to section 302 and inserting in lieu thereof the following new item:

"302. Deputy Public Printers; appointments; duties.".

(2) Section 313 of title 44, United States Code, is amended—

(A) in the first sentence—

(i) by striking out "Deputy Public Printer" and inserting in lieu thereof "3 Deputy Public Printers"; and

(ii) by striking out "Joint Committee on Printing" and inserting in lieu thereof "Committee on Rules and Administration of the Senate and the Committee on Administration of the House of Representatives";

(B) in the second sentence—

(i) by striking out "Deputy Public Printer" and inserting in lieu thereof "3 Deputy Public Printers"; and

(ii) by striking out "Joint Committee on Printing" and inserting in lieu thereof "Committee on Rules and Administration of the Senate and the Committee on Administration of the House of Representatives"; and

(C) in the third sentence—

(i) by striking out "Deputy Public Printer" and inserting in lieu thereof "3 Deputy Public Printers"; and

(ii) by striking out "Joint Committee on Printing" and inserting in lieu thereof "Committee on Rules and Administration of the Senate and the Committee on Administration of the House of Representatives".

SEC. 373. ANNUAL REPORT TO CONGRESS.

Section 309(c) of title 44, United States Code, is amended—

(1) by inserting "(1)" after "(c)"; and

(2) by adding at the end thereof the following new paragraph:

"(2) The annual program submitted under this subsection shall include a report on—

"(A) the printing costs of each branch of the Government;

"(B) with regard to Government publications, a cost comparison of—

"(i) publications published by the Government Printing Office;

"(ii) Federal agency publications that are published by such agency;

"(iii) publications that are published by commercial sources that are not Federal entities under any contract with a Federal agency (other than the Government Printing Office); and

"(iv) publications that are published by commercial sources that are not Federal entities under any contract with the Government Printing Office; and

"(C) the cost of all individual printing orders printed under section 501(a)(1)(C).".

SEC. 374. SUPERINTENDENT OF DOCUMENTS.

Section 1702 of title 44, United States Code, is amended by striking out the first sentence and inserting in lieu thereof "The Legislative Deputy Public Printer appointed under section 302 shall also serve as the Superintendent of Documents for no additional compensation.".

SEC. 375. REQUIREMENT OF PRINTING BY THE GOVERNMENT PRINTING OFFICE.

(a) IN GENERAL.—Section 501 of title 44, United States Code, is amended to read as follows:

"§ 501. Government printing, binding, and blank-book work to be done at Government Printing Office

"(a)(1) All printing, binding, and blank-book work for Congress, the Executive Office, the Judiciary, other than the Supreme Court of the United States, and every executive department, independent office and establishment of the Government, shall be done at the Government Printing Office, except—

"(A) classes of work the Public Printer considers to be urgent or necessary to have done elsewhere;

"(B) printing in field printing plants operated by an executive department, independent office or establishment, and the procurement of printing by an executive department, independent office or establishment from allotments for contract field printing, if approved by the Public Printer;

"(C) individual printing orders may be ordered by an executive department or agency costing not more than $1,500, if—

"(i) the work is printed by any executive department or agency; or

"(ii) the work is printed under a contract by a commercial source that is not a Federal entity;

"(D) printing for the Central Intelligence Agency, the Defense Intelligence Agency, or the National Security Agency; or

"(E) printing from other sources that is specifically authorized by law.

"(2) For purposes of this subsection, the term 'printing' means the process of composition, platemaking, presswork, silk screen processes, binding, microform, and the end items of such processes.

"(b) Any Federal officer who orders or contracts for an individual printing order described under subsection (a)(1)(C) shall include as a term of such order or contract that the executive agency or department, or the commercial source that provides the printing shall deliver a sufficient number of any document printed under such order or contract to the Superintendent of Documents for inclusion in the depository library program under chapter 19. The Public Printer shall promulgate regulations to define the term 'sufficient number' for purposes of this subsection.

"(c) Printing or binding may be done at the Government Printing Office only when authorized by law.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 207 of the Legislative Branch Appropriations Act, 1993 (44 U.S.C. 501 note; Public Law 102-392; 106 Stat. 1719) is repealed.

SEC. 376. REPORT ON COSTS FOR PRINTING BY FEDERAL AGENCIES OTHER THAN THE GOVERNMENT PRINTING OFFICE.

(a) IN GENERAL.—Chapter 11 of title 44, United States Code, is amended by adding at the end thereof the following new section:

"§ 1124. Report on costs for printing by Federal agencies

"No later than November 1 of each year, the head of each Federal department and agency shall submit a report to the Public Printer of the cost of publishing all Government publications that were published by such agency in the preceding fiscal year. Such costs shall not include Government publications published by the Government Printing Office or under contract with a commercial source that is not a Federal entity.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 11 of title 44, United States Code, is amended by adding at the end thereof the following new item:

"1124. Report on costs for printing by Federal agencies.".

SEC. 377. TECHNICAL AND CONFORMING AMENDMENTS.

(1) Section 107 of title 1, United States Code, is amended by striking out "Joint Committee on Printing" and inserting in lieu thereof "Public Printer in consultation with the Secretary of the Senate and the Clerk of the House of Representatives".

(2) Section 208 of title 1, United States Code, is amended by striking out "Joint Committee on Printing" and inserting in lieu thereof "Public Printer".

(3) Section 4 of the joint resolution entitled "A joint resolution to provide for the printing and distribution of the Precedents of the House of Representatives compiled and prepared by Lewis Deschler", approved October 18, 1976 (2 U.S.C. 28e) is amended—

(A) in subsection (a) by striking out "Joint Committee on Printing" and inserting in lieu thereof "Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives"; and

(B) in subsection (b) by striking out "Joint Committee on Printing" and inserting in lieu thereof "Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives".

(4) Section 3 of the Joint Resolution of December 24, 1970 (2 U.S.C. 168b) is amended by striking out "Joint Committee on Printing" and inserting in lieu thereof "Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives".

(5) Section 145 of title 4, United States Code, is amended by striking out "Joint Committee on Printing" and inserting in lieu thereof "Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives".

(6) Section 312 of the Federal Water Power Act (16 U.S.C. 825k) is amended by striking out "Joint Committee on Printing" each place it appears and inserting in each such place "Public Printer".

(7) Section 5(c) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 954(c)) is amended by striking out "Joint Committee on Printing of the Congress" and inserting in lieu thereof "Public Printer".

(8) Section 7(c) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 956(c)) is amended by striking out "Joint Committee on Printing" and inserting in lieu thereof "Public Printer".

(9) Section 411 of title 28, United States Code, is amended in subsection (a) by striking out "Joint Committee on Printing" and inserting in lieu thereof "Public Printer".

(10) Section 602 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 474(18)) is amended—

(A) by striking out paragraph (18); and

(B) by redesignating paragraphs (19) through (21) as paragraphs (18) through (20), respectively.

(11) The table of chapters for title 44, United States Code, is amended by striking out the item relating to chapter 1.

(12) The table of sections for chapter 1 of title 44, United States Code, is repealed.

(13) Section 305 of title 44, United States Code, is amended in subsection (a)—

(A) in the fourth sentence by striking out "Joint Committee on Printing" and inserting in lieu thereof "Public Printer"; and

(B) in the fifth sentence by striking out "either party may appeal to the Joint Committee on Printing, and the decision of the Joint Committee is final." and inserting in lieu thereof "an appeal may be made under subchapter III of chapter 71 of title 5.".

(14) Section 309 of title 44, United States Code, is amended in subsection (a) by striking out "Joint Committee on Printing" and inserting in lieu thereof "Public Printer".

(15) Section 312 of title 44, United States Code, is amended by striking out ", with the approval of the Joint Committee on Printing,".

(16) Section 502 of title 44, United States Code, is amended by striking out "with the approval of the Joint Committee on Printing".

(17) Section 504 of title 44, United States Code, is amended by striking out "The Joint Committee on Printing may permit the Public Printer to" and inserting in lieu thereof "The Public Printer may".

(18) Section 505 of title 44, United States Code, is amended by striking out ", under regulations of the Joint Committee on Printing".

(19) Section 508 of title 44, United States Code, is amended by striking out "Joint Committee on Printing" and inserting in lieu thereof "Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives".

(20) Section 509 of title 44, United States Code, is amended—

(A) by striking out "Joint Committee on Printing" and inserting in lieu thereof "the Public Printer"; and

(B) by striking out ", under their direction,".

(21) Section 510 of title 44, United States Code, is amended by striking out "Joint Committee on Printing" and inserting in lieu thereof "Public Printer".

(22) Section 511 of title 44, United States Code, is amended—

(A) in the first sentence by striking out "Joint Committee on Printing" and inserting in lieu thereof "Public Printer";

(B) in the second sentence by striking out "The committee" and inserting in lieu thereof "The Public Printer"; and

(C) in the third sentence by striking out "The Committee" and inserting in lieu thereof "The Public Printer".

(23) Section 512 of title 44, United States Code, is amended—

(A) in the first sentence by striking out "Joint Committee on Printing" and inserting in lieu thereof "Public Printer"; and

(B) by striking out "the Committee" and inserting in lieu thereof "the Public Printer".

(24) Section 513 of title 44, United States Code, is amended—

(A) in the first sentence by striking out "standard of quality fixed upon by the Joint Committee on Printing," and inserting in lieu thereof "applicable fixed standard of quality"; and

(B) in the second sentence by striking out "the Committee" and inserting in lieu thereof "the Public Printer".

(25) Section 514 of title 44, United States Code, is amended—

(A) by striking out "Joint Committee on Printing shall determine" and inserting in lieu thereof "Public Printer shall apply the provisions of subchapter V of chapter 35 of title 31, United States Code, to resolve"; and

(B) by striking out "; and the decision of the Committee is final as to the United States".

(26) Section 515 of title 44, United States Code, is amended—

(A) in the first sentence by striking out "report the default to the Joint Committee on Printing, and under its direction,"; and

(B) in the second sentence by striking out ", under the direction of the Joint Committee on Printing,".

(27) Section 517 of title 44, United States Code, is amended by striking out "The Joint Committee on Printing may authorize the Public Printer to" and inserting in lieu thereof "The Public Printer may".

(28) Section 702 of title 44, United States Code, is amended by striking out "Joint Committee on Printing" and inserting in lieu thereof "Public Printer".

(29) Section 703 of title 44, United States Code, is amended by striking out "Joint Committee on Printing" and inserting in lieu thereof "Committee on Rules and Administration of the Senate or the Committee on House Administration of the House of Representatives".

(30) Section 707 of title 44, United States Code, is amended by striking out "the Joint Committee on Printing may authorize the printing of a bill or resolution, with index and ancillaries, in the style and form the Joint Committee on Printing considers most suitable in the interest of economy and efficiency, and to so continue until final enactment in both Houses of Congress. The committee" and inserting in lieu thereof "the Public Printer, in consultation with the Secretary of the Senate and the appropriate official of the House of Representatives, may print a bill or resolution, with index and ancillaries, in the style and form the Public Printer considers most suitable in the interest of economy and efficiency, and to so continue until final enactment in both Houses of Congress. The Public Printer, in consultation with the Secretary of the Senate and the appropriate official of the House of Representatives".

(31) Section 709 of title 44, United States Code, is amended in the second sentence by striking out "Joint Committee on Printing" and inserting in lieu thereof "Public Printer".

(32) Section 714 of title 44, United States Code, is amended by striking out "The Joint Committee on Printing shall establish rules to be observed by the Public Printer," and inserting in lieu thereof "Public Printer, in consultation with the Secretary of the Senate and the appropriate official of the House of Representatives, shall establish rules".

(33) Section 717 of title 44, United States Code, is amended by striking out "Joint Committee on Printing" and inserting in lieu thereof "Public Printer, in consultation with the Secretary of the Senate and the appropriate official of the House of Representatives".

(34) Section 718 of title 44, United States Code, is amended by striking out "Joint Committee on Printing" and inserting in lieu thereof "Public Printer, in consultation with the Secretary of the Senate and the appropriate official of the House of Representatives".

(35) Section 721(a) of title 44, United States Code, is amended—

(A) in the first sentence by striking out "Joint Committee on Printing" and inserting in lieu thereof "Public Printer, in consultation with the Secretary of the Senate and the appropriate official of the House of Representatives"; and

(B) in the second sentence by striking out "The Joint Committee" and inserting in lieu thereof "The Public Printer".

(36) Section 722 of title 44, United States Code, is amended by striking out ", under the direction of the Joint Committee on Printing,".

(37) Section 723 of title 44, United States Code, is amended—

(A) by striking out "Joint Committee on Printing" and inserting in lieu thereof "Public Printer, in consultation with the Secretary of the Senate and the appropriate official of the House of Representatives"; and

(B) by striking out "the Joint Committee" and inserting in lieu thereof "the Public Printer, in consultation with the Secretary of the Senate and the appropriate official of the House of Representatives,".

(38) Section 724 of title 44, United States Code, is amended by striking out "Joint Committee on Printing" and inserting in lieu thereof "Public Printer".

(39) Section 728 of title 44, United States Code, is amended by striking out "Joint Committee on Printing" and inserting in lieu thereof "Public Printer, in consultation with the Secretary of the Senate and the appropriate official of the House of Representatives,".

(40) Section 738 of title 44, United States Code, is amended by striking out "Joint Committee on Printing" and inserting in lieu thereof "Public Printer, in consultation with the Secretary of the Senate and the appropriate official of the House of Representatives,".

(41) Section 901 of title 44, United States Code, is amended by striking out "Joint Committee on Printing" and inserting in lieu thereof "Public Printer, in consultation with the Secretary of the Senate and the appropriate official of the House of Representatives,".

(42) Section 902 of title 44, United States Code, is amended by striking out "Joint Committee on Printing" and inserting in lieu thereof "the Public Printer, in consultation with the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives,".

(43) Section 903 of title 44, United States Code, is amended by striking out "Joint Committee on Printing" and inserting in lieu thereof "Public Printer, in consultation with the Secretary of the Senate and the appropriate official of the House of Representatives,".

(44) Section 904 of title 44, United States Code, is amended by striking out "Joint Committee on Printing" and inserting in lieu thereof "Public Printer, in consultation with the Secretary of the Senate and the appropriate official of the House of Representatives".

(45) Section 905 of title 44, United States Code, is amended by striking out "Joint Committee on Printing" and inserting in lieu thereof "Public Printer, in consultation with the Secretary of the Senate and the appropriate official of the House of Representatives,".

(46) Section 906 of title 44, United States Code, is amended—

(A) by striking out "to the Committee on Printing not to exceed one hundred copies;" and inserting in lieu thereof "to the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives not to exceed one hundred copies each;";

(B) by striking out "to each Joint Committee and Joint Commission in Congress, as may be designated by the Joint Committee on Printing" and inserting in lieu thereof "to each Joint Committee and Joint Commission in Congress, as may be designated by the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives";

(C) by striking out "to the Joint Committee on Printing, ten semimonthly copies;" and inserting in lieu thereof "to the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives, ten semimonthly copies;";

(D) by striking out "of which eight copies may be bound in the style and manner approved by the Joint Committee on Printing;" and inserting in lieu thereof "of which eight copies may be bound in the style and manner approved by the Public Printer, in consultation with the appropriate official of the House of Representatives"; and

(E) by striking out "Copies of the daily edition, unless otherwise directed by the Joint Committee on Printing, shall be supplied and delivered" and inserting in lieu thereof "Copies of the daily edition, unless otherwise directed by the Public Printer, shall be supplied and delivered".

(47) Section 1108 of title 44, United States Code, is amended by striking out ", subject to regulation by the Joint Committee on Printing,".

(48) Section 1112 of title 44, United States Code, is amended by striking out "Joint Committee on Printing" and inserting in lieu thereof "Public Printer".

(49) Section 1121 of title 44, United States Code, is amended by striking out ", under direction of the Joint Committee on Printing,".

(50) Section 1301 of title 44, United States Code, is amended by striking out ", in accordance with directions of the Joint Committee on Printing".

(51) Section 1320A of title 44, United States Code, is amended by striking out ", and with the approval of the Joint Committee on Printing".

(52) Section 1333 of title 44, United States Code, is amended in subsection (b) by striking out "Joint Committee on Printing" and inserting in lieu thereof "Public Printer, in consultation with the Secretary of the Senate and the appropriate official of the House of Representatives,".

(53) Section 1338 of title 44, United States Code, is amended—

(A) in the first sentence—

(i) by striking out ", under limitations and conditions prescribed by the Joint Committee on Printing,"; and

(ii) by striking out "under limitations and conditions prescribed by the Joint Committee on Printing"; and

(B) in the second sentence, by striking out "Joint Committee on Printing" and inserting in lieu thereof "Public Printer".

(54) Section 1705 of title 44, United States Code, is amended by striking out ", subject to regulation by the Joint Committee on Printing and".

(55) Section 1710 of title 44, United States Code, is amended—

(A) in the first sentence by striking out ", upon a plan approved by the Joint Committee on Printing"; and

(B) in the fourth sentence by striking out "as the Joint Committee on Printing directs".

(56) Section 1914 of title 44, United States Code, is amended by striking out ", with the approval of the Joint Committee on Printing, as provided by section 103 of this title,".

(57) Section 5 of the Federal Records Management Amendments of 1976 (44 U.S.C. 2901 note; Public Law 94-575; 90 Stat. 2727) is amended in subsection (b) by striking out "the Joint Committee on Printing or".

Subtitle D—Legislative and Executive Relations

SEC. 381. COMMITTEE OVERSIGHT GOALS AND REPORTS FOR FEDERAL PROGRAM REVIEW.

(a) COMMITTEE OVERSIGHT GOALS AND REPORTS.—It shall be the responsibility of each standing committee of the House of Representatives and the Senate to—

(1) no later than March 1 of each year in which a first session of a Congress occurs, develop, adopt, and submit Committee Review Agendas, which shall list the discretionary programs, entitlement programs, and tax expenditures under the committee's jurisdiction which the committee intends to review during that Congress and the next 3 Congresses;

(2) coordinate, to the maximum extent practicable, in preparing their oversight agenda with other House and Senate committees having jurisdiction over the same or related laws, programs, or agencies;

(3) provide, after preparation of the first oversight agenda required under this statute, a separate section in their oversight agenda that summarizes what actions and recommendations occurred with respect to implementing their agenda for that Congress;

(4) transmit their oversight agenda to the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate, respectively, for consideration during the committee funding process; and

(5) adopt legislative procedures to assure, to the greatest extent practicable, that any recommendation proposed by the committee under paragraph (3) is considered by the full Senate or House of Representatives.

(b) HEARINGS ON INSPECTOR GENERAL, GAO, AND AGENCY AUDIT REPORTS.—Each committee of the House of Representatives and the Senate shall hold hearings during each Congress for the purpose of reviewing appropriate reports relating to the activities of executive agencies over which the committee has oversight responsibility filed during the preceding Congress, including reports of the inspectors general, the General Accounting Office, as well as agency audit reports.

SEC. 382. SUNSET AGENCY REPORTING REQUIREMENTS.

(a) IN GENERAL.—Any law requiring an executive agency to report to Congress shall be effective for not to exceed 5 years after the date of enactment of such law.

(b) LAWS IN EFFECT.—Any law requiring an executive agency to report to Congress in effect on the date of enactment of this Act shall expire 5 years after such date unless the law provides for an earlier expiration date in which case the law shall expire on the earlier date.

TITLE IV—EFFECTIVE DATE

SEC. 401. EFFECTIVE DATE; APPLICATION.

(a) IN GENERAL.—Except as provided in subsection (b), this Act and the amendments made by this Act shall become effective January 1, 1995, and shall apply to bienniums beginning after September 30, 1995.

(b) FISCAL YEAR 1995.—Notwithstanding subsection (a), the provisions of—

(1) the Congressional Budget Act of 1974, and

(2) title 31, United States Code,

(as such provisions were in effect on the day before the effective date of this title) shall apply to the fiscal year beginning on October 1, 1994.

(c) DEFINITION.—For purposes of this section, the term "biennium" shall have the meaning given to such term in paragraph (12) of section 3 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(12)), as added by section 302(b)(2) of this Act.

SUMMARY OF RECOMMENDATIONS[1]

The Senators on the Joint Committee on the Organization of Congress have considered and adopted a number of recommendations to improve the operation of the Congress. The recommendations contained in the body of this report can be summarized as follows:

THE SENATE COMMITTEE SYSTEM

1. Committee structure: The Rules of the Senate should be amended to establish the following modified committee structure:

Designate as "Super A" committees: Appropriations; Armed Services; Finance; and Foreign Relations.

Designate as "A" committees: Agriculture, Nutrition and Forestry; Banking, Housing and Urban Affairs; Commerce, Science, and Transportation; Energy and Natural Resources; Environment and Public Works; Governmental Affairs; Judiciary; and Labor and Human Resources.

Designate as "B" committees: Budget; Rules and Administration; Veterans' Affairs; Small Business; Aging; and Indian Affairs.

Designate as "C" committees: Ethics; and Intelligence.

2. Committee Assignment Limitations: No Senator should serve on more than one "Super A." Senators could serve on either one "Super A" and one "A" committee, or two "A" committees. Senators should serve on no more than one "B" committee. There should be no limitation on assignments to "C" committees.

3. Subcommittee Limitations per committee: No "Super A" or "A" committee should have more than 3 subcommittees (except Appropriations), and no "B" committee should have more than 2 subcommittees.

4. Subcommittee Assignment Limitations: No Senator should serve on more than 2 subcommittees per "Super A" or "A" committees (except Appropriations), and 1 subcommittee per "B" committee.

5. Committee Assignments: The Senate Majority and Minority Leaders should make assignments to committees under rules adopted by their respective party caucuses.

6. Waiver Procedure: No waiver to the assignment limitations should be granted, unless a resolution amending Senate rules naming the Senators receiving the waivers is offered by both the Majority and Minority Leaders, and is passed by a yea-and-nay vote.

7. De Minimis Rule for Abolishing Committees: If, as a result of the assignment limitations, a standing committee falls below 50 percent of both its majority and minority membership as determined by its size at the end of the 102d Congress, it should be abolished, and its jurisdiction redistributed to other standing committees.

8. Joint Committees: The Joint Committees on Printing, the Library, and Taxation, as well as the Joint Economic Committee should be abolished, with their responsibilities reassigned to appropriate Senate standing committees.

9. Chairmanship Limitation: No Senator who is chairman of a full committee should serve as chairman of more than one subcommittee, and no Senator who is not a committee chairman should serve as a chairman of more than two subcommittees.

10. Committee Scheduling: Senate committees should meet only on certain days in order to hold hearings and conduct business.

11. Proxy Voting: The Rules of the Senate should be amended to prohibit the use of proxy votes from affecting the outcome of any vote at full Committee.

12. Committee Attendance: Chairmen should publish committee attendance and voting records in the Congressional Record semi-annually.

BUDGET PROCESS

13. Biennial Budgeting and Appropriating: The Congress should adopt a 2-year budget resolution and a biennial appropriations cycle whereby the budget resolution and all appropriations legislation are adopted during the first session of a Congress, and authorization legislation is enacted in the second session of a Congress.

14. Multi-Year Authorizations: The Congress should prohibit authorization legislation for periods of less than 2 fiscal years.

15. Quarterly Deficit Reports: The Congressional Budget Office should submit to the Congress quarterly budget reports comparing the actual budget figures to date with the projected revenue, spending, and deficit assumptions included in the most recently enacted congressional budget resolution.

[1] The final report of the Joint Committee consists of four parts: a Senate report; a House report; a policy report that analyzes the major reorganization issues considered by the Joint Committee, summarizes the hearings, and includes results of symposiums and surveys of Members and staff; and a volume of background materials and memoranda.

16. "Byrd Rule" Clarification: The Congressional Budget Act should be amended to clarify that the "Byrd Rule" is permanent, applies to conference reports, requires sixty votes to waive, and applies to extraneous matters.

17. GAO Assistance With Oversight Responsibilities: During the second session of each Congress, the General Accounting Office should give priority to requests from Congress for audits and evaluations of government programs and activities.

STAFFING, ADMINISTRATION, AND SUPPORT AGENCIES

18. Legislative Branch Streamlining: The Senate and the House should instruct relevant committees to conduct a legislative branch performance review for the purpose of enacting staff reductions comparable to the executive branch reductions proposed and implemented as a result of the recommendations of the National Performance Review.

19. Dedication of Unexpended Funds to Deficit Reduction: The Secretary of the Senate should be required to notify each Senator of any excess of appropriations remaining in their staff and operations accounts for the preceding year, and permit such Senators to designate that such funds be returned to the Treasury for deficit reduction.

20. Authorization of Congressional Instrumentalities: The Congress should repeal the permanent authorization law for the General Accounting Office, the Congressional Budget Office, the Congressional Research Service, the Government Printing Office, and the Office of Technology Assessment; and the Congress should instead enact authorizations of 8 years in length for each instrumentality.

21. Cost Accounting Within Congressional Instrumentality: The General Accounting Office, the Congressional Budget Office, the Congressional Research Service, the Government Printing Office, and the Office of Technology Assessment should prepare each year a report detailing the cost to the instrumentality of providing support to each Senator and Senate committee. Such report should be included in the Secretary of the Senate's semiannual report.

22. Voucher Allocation System: The Senate Committee on Rules and Administration and the appropriate House committees responsible for the authorization of the General Accounting Office, the Congressional Budget Office, the Congressional Research Service, the Government Printing Office, and the Office of Technology Assessment should report to their respective bodies on the feasibility of establishing a voucher allocation system for committees using the services of the Congressional instrumentalities.

23. Use of Detailees from Congressional Instrumentalities and Executive Agencies: The Congress should require that any committee, Senator or House Member using the services on detail of an individual regularly employed by the General Accounting Office, the Congressional Budget Office, the Congressional Research Service, the Government Printing Office, and the Office of Technology Assessment, or any executive branch agency, should fully reimburse such instrumentality or agency for the cost of that service.

SENATE FLOOR PROCEDURE

24. The Motion to Proceed: Debate on the motion to proceed should be limited to 2 hours when made by the Majority Leader or his designee.

25. Sense of Senate Resolutions: For a Sense of the Senate (or Congress) resolution to be considered, it should be cosponsored by ten Senators, unless the resolution is offered by the Majority or Minority Leader.

26. Quorum Calls: Under cloture, time consumed by quorum calls should count against the Senator who suggested the absence of a quorum.

27. Rulings of the Chair: Under cloture, a three-fifths vote should be required to overturn a ruling of the Chair.

28. Conference Reports: The Senate should permit dispensing with the reading of a conference report, as long as the report is printed and available one day before the motion to consider is made.

APPLICATION OF LAWS TO CONGRESS

29. Application of Laws to the Senate: The Senate should consider the recommendations of the Bipartisan Task Force on Senate Coverage, and adopt procedures for applying to itself, to the maximum extent possible, laws regarding employment discrimination, working conditions, and health and safety matters. The enforcement office should be as independent as practicable, and employees should have a right of judicial review comparable to the private sector.

30. Application of Laws to Congressional Instrumentalities: The Congress should adopt a single set of procedures for applying to the congressional instrumentalities, to the maximum extent possible, laws regarding employment discrimination, working conditions, and health and safety matters. There should be a single enforcement office, it should be as independent as practicable, and employees of such instrumentalities should have a right of judicial review equal to or greater than that currently enjoyed.

ETHICS PROCESS

31. *Ethics Process:* The Senate should consider the recommendations of the Senate Ethics Study Commission as soon as practicable. Any changes to the Senate ethics process should enhance public accountability, be fair to Senators and their staff, and minimize the demands on the time of Senators serving on the Select Committee on Ethics.

LEGISLATIVE AND EXECUTIVE RELATIONS

32. *Committee Oversight Agenda:* The standing committees of the House and Senate should prepare oversight agendas for ensuring that all programs and laws under their jurisdiction are periodically reviewed, that these agendas be considered during the committee funding process, and that each committee should report to their respective body each Congress summarizing their oversight actions, findings and recommendations.

33. *Sunsetting Agency Reports:* A requirement for an executive agency to report to Congress should be effective for no more than 5 years.

Mr. DOMENICI. Mr. President, I thank you for recognizing me and I thank Senator BOREN for yielding.

I wonder if the Senator would mind my asking unanimous consent that a roster of the Senators who were on the committee be printed in the RECORD so we have all the Senators who served.

There being no objection, the material ordered to be printed in the RECORD, as follows:

JOINT COMMITTEE ON THE ORGANIZATION OF CONGRESS—SENATE MEMBERS

David L. Boren, Oklahoma, Co-Chairman.
Pete V. Domenici, New Mexico, Vice Chairman.
Jim Sasser, Tennessee,
Wendell H. Ford, Kentucky,
Harry Reid, Nevada,
Paul S. Sarbanes, Maryland,
David Pryor, Arkansas,
Nancy L. Kassebaum, Kansas,
Trent Lott, Mississippi,
Ted Stevens, Alaska,
William S. Cohen, Maine,
Richard G. Lugar, Indiana,
George J. Mitchell, Maine, Ex Officio,
Robert Dole, Kansas, Ex Officio.

Mr. DOMENICI. Mr. President, fellow Senators, during the last Presidential election and for about 5 or 6 months thereafter, there was a great deal of talk about what the people were saying. Essentially, there is no doubt that we interpreted them right. They were saying the system is not working as well as America should expect it to work. And they meant the Congress; they meant the House and the Senate.

I have been a Senator for quite some time, so I do not think we can make the Senate exactly what the American people want just by changing rules. But I guarantee you, we can make the U.S. Senate more responsive and more accountable and we can free up time for U.S. Senators to do their job better.

What we heard was too much time is wasted in the U.S. Senate. We did not only hear it from the people, as we moved through the reform process, we heard it from our fellow Senators. They would come and pull out their calendar for the day and say to Senator BOREN and me, "How can I be effective when here is my schedule for today?" And sometimes they had four meetings, subcommittees, or full committee, within the hours of 10 and 12 o'clock on a given day. It was not unusual for them to have two important hearings at the same time every single day of the week that we were in session.

And the thing we heard repeatedly from our fellow Senators was, "Why do we vote on the same issue so many times in the same year?"

My good friend from Arkansas has debated the issue of how much should we spend on NASA's next effort in space. In any given year, that Senator debates the same issue, and he debates it well, on an authorization bill, on the budget, and on the appropriations bill. And, yes, indeed, we vote every time.

In fact, we are adding to the marvelous eloquence of the Senator by letting him be so well prepared on these issues.

But the Senators are saying to us, "Now, we did that every year, each year. Do we have to do it next year again?"

Mr. BUMPERS. Will the Senator yield?

Mr. DOMENICI. I am pleased to yield.

Mr. BUMPERS. First of all, I thank the Senator for the laudatory remarks. And I assume, because you think I have been so eloquent, that eloquence this year will persuade you to vote with me on the space station.

Mr. DOMENICI. The Senator, in his usual manner, is extremely presumptuous this evening.

But let me proceed for just a moment.

So we have Senators saying, "Why do we do that?" And then, by the time we finish the appropriation bills, which is the last time we vote on these same issues, we start right over in March and April with a budget resolution that brings the same issues to the floor and we are back on them; three votes on the same major issues in the second year of any given Congress.

So I read the people and my fellow Senators loud and clear: Fix the system so we are not on so many subcommittees and committees, and do it fairly.

And I thought I heard, I say to Senator BOREN, "If you do this, we will accept it."

Then I heard Senators say, "How do we prevent the same votes from recurring every year three different times?" And I thought they were saying, "If you can fix it, we will surely support you."

Well, I will tell you, if you want to vote for this reform bill on just those two counts, we have fixed it.

First of all, the Senator has clearly indicated how we are going to cut back on the number of subcommittees, cut back on the number of committees, and get rid of some committees. And then we are going to let the Senators vote with their feet on how many of the special committees we keep. And for anybody interested in that, just read about it. If there are not enough Members choosing these select committees, they cease to exist.

So we are letting this body decide. A committee will cease to exist because there will not be enough Members who want to be on it consistent with their assignments.

Then we very simply said: Congress lasts for 2 years in each Congress; not 1 year—2 years in the 89th Congress, 2 years in the 91st Congress. And we said, "Why do we not budget for 2 years and have quarterly reviews on the status of the deficit, and some procedural way to bring it current from an economic perspective?" We do not require that. We do not add 20 hours on the floor.

Second, we said that we have no authorization for less than 2 years; and, third, that we appropriate for 2-year appropriations cycles.

Probably, in spite of everybody telling us to fix the redundancies in this system so we will have more time to do other things, the last one I mentioned about appropriating every 2 years will be very contentious and we will hear we will not have enough oversight. And I understand that. I am on the Appropriations Committee. Clearly, that committee is not going to agree even close to unanimously that we ought to do appropriating every 2 years.

But let me suggest if oversight is the problem, this Government of ours cries out for us to do oversight. We do not do any. We wait around for a scandal like the scandal that exists in New York City on Pell grants. It just happened to come out in the newpapers. And then SAM NUNN'S Subcommittee on Investigations, Committee on Governmental Affairs, found we were issuing hundreds of Pell grants to nonexistent students for 10 years or more.

Well, there are scandals across this Government that will probably, if oversight is applied, come out one a week for a whole year, because nobody is looking at the programs. The management of them is looked at very, very poorly in terms of oversight.

So what are we telling the Senators and the House Members? "You will have 1 year out of every Congress to do oversight because you will not have to appropriate. You will not have to budget and you can authorize."

And then we say very simply, to all the agencies of the Government that help us—GAO and others—on the year of oversight, that they will help us and our committees look at the functioning of Government.

Now, there are other things in this package, such as a very simple proposition. I might as well state it here, because it has escaped most people and it will be a giant red flag for those who like to use the reconciliation process for all kinds of laws to be passed.

It simply says that we reform the reconciliation process so that you cannot add any legislation that increases spending. Period. You just do not use deficit reduction processes to add programs that cost money.

You read about Medicaid recently, how that was all added in the reconciliation bill. Whether the program is good or bad, we really are in some kind of a sham and charade when we say we are doing budget reduction and we use an instrument of budget reduction to add new programs that cost enormous amounts of money, especially in future years. Let me just close tonight by saying the time to talk about reform has now ended. It is time to take action.

For those who have told us to do it, we hope when we come around to see you and ask for support, that you will not look glazen-eyed, as if all the brainpower has gone to your feet because you do not even know what we are talking about.

We need your help. We are going to present this fairly and squarely. A lot of Senators wanted it before. We hope you want it next week, next month, and when we finally vote on it on the floor.

By Mr. BUMPERS (for himself, Mr. COCHRAN, Mr. CONRAD, Mr. DORGAN, Mr. HEFLIN, Mr. BOREN, and Mr. GRAHAM):

S. 1825. A bill to authorize collection of certain State and local taxes with respect to the sale, delivery, and use of tangible personal property; to the Committee on Finance.

TAX FAIRNESS FOR MAIN STREET BUSINESS ACT

Mr. BUMPERS. Madam President, I offer this bill on behalf of myself, Senators COCHRAN, CONRAD, DORGAN, HEFLIN, BOREN, and GRAHAM of Florida.

In summary, I offer this bill, first because I used to be a small businessman. I once owned a hardware, furniture, and appliance store among other things. Second, I am chairman of the Small Business Committee. I have a very protective attitude about Main Street small business in this country. As lawyers love to say, since the memory of man runneth not—Main Street businesses have suffered a great competitive disadvantage from mail order houses. This bill is not designed to punish them. There is not a person in this Chamber who has not ordered merchanidse from a mail order catalog.

Their business is growing. Third class mail, of which catalogs represent the bulk, 3.6 million tons of solid waste for the landfills of this country. But this bill is the result of a Supreme Court decision in 1992, and it will enable the States—not mandate, but enable the States—to place a use tax on merchandise shipped in from a mail order house in another State.

A use tax is a tax on merchandise coming into the State. It is the same rate as the sales tax on merchandise bought inside a State. In 1967, in the famous Bellas Hess decision of the Supreme Court, the Court said imposition of a tax collection require meat on interstate sales violates the due process clause and represents a burden on interstate commerce.

In 1992, in a case called Quill versus North Dakota, the Supreme Court overruled the due process portion of the Bellas Hess decision. The Quill Court held that the imposition of a use tax collection burden on an out-of-State company is no longer a violation of due process, but that it is still a burden on interstate commerce. And it is up to Congress, the Court said, to decide whether it will permit such a burden. Thus, this bill.

If the State of Illinois has a 5 percent sales tax, the legislature and the Governor of Illinois may place a 5 percent use tax on merchandise coming into that State from outside. You cannot, if you do not have a sales tax—you cannot levy a use tax. You may only levy a use tax to the extent you have a sales tax in the State.

Some States exempt food from the sales tax. Therefore, if you order food from one of these mail order houses, you may not tax that because you do not tax it locally.

Madam President, the mail order business is growing, and that is fine. I hope they prosper and grow even more. In 1992 they did a estimated $70 to $80 billion in business in this country. If the taxes on those transactions had

been collected, it would have meant about $3.3 billion to the States. A State like California would derive $440 million.

If the States choose to utilize the power of the bill, they can use the money however they want.

Madam President, this is something that we at the Federal Government level can do to level the playing field between mail order houses that do not have to pay sales tax and mail street businesses that do.

There is another thing that goes on in this country. I was in New York a few years ago. I forget how much merchandise I bought. I guess I sounded like a southerner and the clerk said, "Where are you from?" I said, "Arkansas." She said, "Would you like us to mail this to you? If we mail it to you, there won't be any sales tax on it."

I did not accept the offer. As a former Governor who developed a respect for the sales tax and what it means to a State, I did not take her up on the offer, but that is not an uncommon practice.

I have made this bill as palatable as possible to the mail order houses. No. 1, you have to do $3 million of interstate business a year, otherwise you are exempt, unless you do $100,000 of business in one State. If you do $100,000 in any State, you are still subject to the tax in that State.

No. 2, instead of requiring mail order houses to keep up with the sales tax rate in this city, that city, this country, that county and the State, this bill contains a formula so that they will have the option to pay one standard local rate under a formula and allow the States then to redistribute the money to the local jurisdictions.

I want at the conclusion of my remarks to insert three letters that we have received from around the country.

Listen to this one:

Senator Bumpers, thank you in advance for your sponsorship of legislation regarding the collection of interstate sales tax. This week, we lost a $240,000 deal as a result of a sales tax issue. The buyer bought a boat in Oregon to avoid our local and State sales tax. The vessel would be kept out of State for the required period of time and would be subsequently brought into California after the waiting period has elapsed. Based on our local sales tax of 8.25 percent, the resulting tax would have been $19,800. Not only did we and the State of California lose this deal, we also lost the time and expenses involved in upselling the customer to a more expensive boat, from $140,000 to $240,000, sea trialing the boat and providing extensive consultation regarding the boat.

The customer thanked us but basically said for $19,800 he would have to make an economic choice to buy elsewhere. We did not have the margin to discount the product further to even attempt to compete. In today's economic environment, it is tough enough to succeed. But without some form of fair interstate sales tax collection program, we as a responsible law-abiding dealership cannot compete fairly against some of our out-of-State competitors that are not required to collect sales tax or tax at a significantly lower rate.

Thank you very much for your concern.

I cannot be too emphatic in saying that, No. 1, this bill does not require one dime of new taxes. It simply says to the States: You may do this if you believe that these companies are unfairly competing against the main street businesses of your State who collect sales tax and who support the schools and who support everything else in that State. If you do not think it is fair, then they should have to collect taxes just like everybody else does.

We even have a provision in here that if you want to, you may file every 3 months instead of every month. We even have a provision in here requiring the State to install a 1-800 telephone number so these mail order houses can get all the information they need, free of charge.

So I have done my very best to level the playing field for Main Street America. I have done my very best to keep faith with the States, on whom we continue to impose mandates at the Federal level without giving them the money to fulfill those mandates. Here is an opportunity for us to pass a bill that allows the States to impose a fair and equitable tax to help them meet some of those mandates. We are not telling them how. They can do anything they want with the money.

Finally, Madam President, I hope all of my colleagues will read my formal remarks and look at the list of people who strongly support this legislation: National Governors Association. I presented this bill to the Governors Conference in Washington Sunday afternoon downtown and only three Governors voiced any objection to it—three Governors who have admittedly big catalog sales operations in their States.

The National Conference of State Legislatures; the National Association of Counties; the National League of Cities; the U.S. Conference of Mayors; Federal Tax Administrators; Government Finance Officers Association; National Association of State Budget Officers—on and on it goes—National School Boards Association.

But it will not pass here without strong support and lobbying on behalf of my cosponsors and all of these people because there is going to be plenty of opposition to it. I think it is so elementally fair that it is not even debatable.

A GROWING PROBLEM

As the mail order industry has grown in recent years, the tax collection exemption on out-of-State sales has become an increasingly significant problem. In recent months, I have received hundreds of phone calls and letters from Main Street firms across the Nation, all of whom give testimony to the severity of the situation. As a means of attracting customers, many out-of-State companies now tout their exemption from collecting sales taxes as a so-called tax savings to the customer. Last summer, one morning talk show even aired a segment instructing consumers on how to use mail order to avoid sales taxes. Actually, consumers are personally responsible for paying the sales taxes, but the laws are universally ignored. Consequently, sales across State lines are rising and Main Street firms find themselves increasingly disadvantaged.

THE BELLAS HESS AND QUILL CASES

A short discussion of case law is in order to explain why this matter requires congressional intervention. The Supreme Court has twice considered the question of whether a State may impose tax collections duties on an out-of-State mail order company. In 1967, the Court ruled in National Bellas Hess versus Department of Revenue that such a State action violated both the due process clause and the commerce clause of the United States Constitution. Bellas Hess therefore made it impossible for Congress to craft a legislative solution to the problem: although the commerce clause is the exclusive domain of Congress, the due process clause is not subject to congressional discretion. As long as the due process holding from Bellas Hess remained good law, Congress' hands were tied.

Recently, however, the Supreme Court overruled the due process portion of Bellas Hess. In the 1992 case of Quill Corporation versus North Dakota the Court revisited the issue of mail order tax collection and, applying a more modern due process analysis, concluded that mail order activities now constitute a sufficient connection to the State to justify the tax collection requirement. In other words, a State's imposition of tax collection requirements on an out-of-State mail order company no longer offends due process.

The Quill case therefore clears the way for Congress to act on this issue. Although Quill did not overrule the commerce clause portion of Bellas Hess, that holding does not preclude congressional action. As I mentioned earlier, because the commerce clause grants Congress exclusive authority over interstate commerce, Congress may, if it chooses, grant the States the authority to require out-of-State tax collection. Indeed, the Supreme Court expressly acknowledged in Quill that "Congress is now free to decide whether, when, and to what extent the States may burden interstate mail-order concerns with a duty to collect use taxes."

PROTECTIONS AGAINST UNDUE BURDENS ON BUSINESS

In writing this bill, I have taken great care to ensure that it does not place an undue burden on business—particularly small business. I have included four provisions designed to pro-

tect against an overburdensome effect: First, minimus provision—the act expressly exempts any company whose total U.S. revenue is less than $3 million. The exemption will not apply, however, in any State where the company's revenue exceeds $100,000; second, Standard local tax rate—in situations where an out-of-State company is subject to multiple local tax rates in a single State, the company will have the option of paying each applicable local rate or paying one standard rate, called an "in-lieu fee;" third, Filing frequency limitation—States may not require out-of-State companies to file tax returns more than once per quarter; fourth, Mandatory information service—State must maintain a toll-free telephone service to provide out-of-State companies with necessary tax information and forms.

WHAT THE BILL DOES NOT DO

The intent of this bill is not to injure the mail order industry. There are many fine mail order companies in America which offer many useful products, and I have no quarrel with any of them aside from their exemption from collecting use taxes. The intent of this bill is merely to ensure that Main Street businesses are treated equitably in relation to companies located out-of-State.

This bill, moreover, does not impose a new tax. It merely allows for the fair and equitable collection of existing taxes. If the residents of a State do not wish to pay a use tax, then they can repeat that use tax. This is their prerogative. But if they choose to have a use tax, the Federal Government should allow them to enforce it. That's what this bill does—it authorizes the States to collect taxes fairly and evenly from all who conduct business in the State.

Finally, this bill is not a preemption of the States' power to tax. In fact, States are not required to take any action as a result of this bill. They may completely ignore this legislation and continue their present tax collection methods. This bill merely grants the States a power presently denied under the commerce clause and imposes the limitations on that power which are necessary to ensure that the resulting burden on out-of-State companies is not unreasonable.

BROAD SUPPORT

This measure has already gained extensive support. The legislation was crafted with the input of a broad-based coalition of business and governmental associations. They represent large constituencies in 45 States, all of which actively and vocally support the bill.

I urge my colleagues in the Senate to carefully consider this issue. It is very important for the continued vitality of Main Street America, and I invite them to join in this effort to ensure fair competition in American business.

I send this bill to the desk and ask unanimous consent that it be printed in the RECORD, along with an outline of the bill, the three letters, and the list of supporters referred to previously.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1825

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Tax Fairness for Main Street Business Act of 1994".

SEC. 2. FINDINGS.

The Congress finds that—

(1) sales by out-of-State firms already are subject to State and local sales taxes, but State and local governments are unable to compel out-of-State firms to collect and remit such taxes,

(2) small businesses, which are compelled to collect State and local sales taxes, are subject to unfair competition when out-of-State firms cannot be compelled to collect and remit such taxes on their sales to residents of the State,

(3) State and local governments provide a number of resources to out-of-State firms including government services relating to mail delivery, communications, bank and court systems, and disposal of tons of catalogs,

(4) the inability of State and local governments to require out-of-State firms to collect and remit sales taxes deprives State and local governments of needed revenue and forces such State and local governments to raise taxes on taxpayers, including small businesses, in such State,

(5) the Supreme Court ruled in *Quill* v. *North Dakota*, 112 U.S. 1904 (1992) that the due process clause of the Constitution does not prohibit a State government from imposing personal jurisdiction and tax obligations on out-of-State firms that purposefully solicit sales from residents therein, and that the Congress has the power to authorize State governments to require out-of-State firms to collect State and local sales taxes, and

(6) as a matter of federalism, the Federal Government has a duty to assist State and local governments in collecting sales taxes on sales from out-of-State firms.

SEC. 3. AUTHORITY FOR COLLECTION OF SALES TAX.

(a) IN GENERAL.—A State is authorized to require a person who is subject to the personal jurisdiction of the State to collect and remit a State sales tax, a local sales tax, or both, with respect to tangible personal property if—

(1) the destination of the tangible personal property is in the State,

(2) during the 1-year period ending on September 30 of the calendar year preceding the calendar year in which the taxable event occurs, the person has gross receipts from sales of such tangible personal property—

(A) in the United States exceeding $3,000,000, or

(B) in the State exceeding $100,000, and

(3) the State, on behalf of its local jurisdictions, collects and administers all local sales taxes imposed pursuant to this Act.

(b) STATES MUST COLLECT LOCAL SALES TAXES.—A State in which both State and local sales taxes are imposed may not require State sales taxes to be collected and remitted under subsection (a) unless the State also requires the local sales taxes to be collected and remitted under subsection (a).

(c) AGGREGATION RULES.—All persons that would be treated as a single employer under section 52 (a) or (b) of the Internal Revenue Code of 1986 shall be treated as one person for purposes of subsection (a).

(d) DESTINATION.—For purposes of subsection (a), the destination of tangible personal property is the State or local jurisdiction which is the final location to which the seller ships or delivers the property, or to which the seller causes the property to be shipped or delivered, regardless of the means of shipment or delivery or the location of the buyer.

SEC. 4. TREATMENT OF LOCAL SALES TAXES.

(a) UNIFORM LOCAL SALES TAXES.—

(1) IN GENERAL.—Sales taxes imposed by local jurisdictions of a State shall be deemed to be uniform for purposes of this Act and shall be collected under this Act in the same manner as State sales taxes if—

(A) such local sales taxes are imposed at the same rate and on identical transactions in all geographic areas in the State, and

(B) such local sales taxes imposed on sales by out-of-State persons are collected and administered by the State.

(2) APPLICATION TO BORDER JURISDICTION TAX RATES.—A State shall not be treated as failing to meet the requirements of paragraph (1)(A) if, with respect to a local jurisdiction which borders on another State, such State or local jurisdiction—

(A) either reduces or increases the local sales tax in order to achieve a rate of tax equal to that imposed by the bordering State on identical transactions, or

(B) exempts from the tax transactions which are exempt from tax in the bordering State.

(b) NONUNIFORM LOCAL SALES TAXES.—

(1) IN GENERAL.—Nonuniform local sales taxes required to be collected pursuant to this Act shall be collected under one of the options provided under paragraph (2).

(2) ELECTION.—For purposes of paragraph (1), any person required under authority of this Act to collect nonuniform local sales taxes shall elect to collect either—

(A) all nonuniform local sales taxes applicable to transactions in the State, or

(B) a fee (at the rate determined under paragraph (3)) which shall be in lieu of the nonuniform local sales taxes described in subparagraph (A).

Such election shall require the person to use the method elected for all transactions in the State while the election is in effect.

(3) RATE OF IN-LIEU FEE.—For purposes of paragraph (2)(B), the rate of the in-lieu fee for any calendar year shall be an amount equal to the product of—

(A) the amount determined by dividing total nonuniform local sales tax revenues collected in the State for the most recently completed State fiscal year for which data is available by total State sales tax revenues for the same year, and

(B) the State sales tax rate.

Such amount shall be rounded to the nearest 0.25 percent.

(4) NONUNIFORM LOCAL SALES TAXES.—For purposes of this Act, nonuniform local sales taxes are local sales taxes which do not meet the requirements of subsection (a).

(c) DISTRIBUTION OF LOCAL SALES TAXES.—

(1) IN GENERAL.—A State shall distribute to local jurisdictions a portion of the amounts collected pursuant to this Act determined on the basis of—

(A) in the case of uniform local sales taxes, the proportion which each local jurisdiction receives of uniform local sales taxes not collected pursuant to this Act,

(B) in the case of in-lieu fees, as described in subsection (b)(2)(B), the proportion which each local jurisdiction's nonuniform local

sales tax receipts bears to the total nonuniform local sales tax receipts in the State, and

(C) in the case of any nonuniform local sales tax collected pursuant to this Act, the geographical location of the transaction on which the tax was imposed.

The amounts determined under subparagraphs (A) and (B) shall be calculated on the basis of data for the most recently completed State fiscal year for which the data is available.

(2) TIMING.—Amounts described in paragraph (1) (B) or (C) shall be distributed by a State to its local jurisdictions in accordance with State timetables for distributing local sales taxes, but not less frequently than every calendar quarter. Amounts described in paragraph (1)(A) shall be distributed by a State as provided under State law.

(3) TRANSITION RULE.—If, upon the effective date of this Act, a State has a State law in effect providing a method for distributing local sales taxes other than the method under this subsection, then this subsection shall not apply to that State until the 91st day following the adjournment sine die of that State's next regular legislative session which convenes after the effective date of this Act (or such earlier date as State law may provide). Local sales taxes collected pursuant to this Act prior to the application of this subsection shall be distributed as provided by State law.

SEC. 5. RETURN AND REMITTANCE REQUIREMENTS.

(a) IN GENERAL.—A State may not require any person subject to this Act—

(1) to file a return reporting the amount of any tax collected or required to be collected under this Act, or to remit the receipts of such tax, more frequently than once with respect to sales in a calendar quarter, or

(2) to file the initial such return, or to make the initial such remittance, before the 90th day after the person's first taxable transaction under this Act.

(b) LOCAL TAXES.—The provisions of subsection (a) shall also apply to any person required by a State acting under authority of this Act to collect a local sales tax or in-lieu fee.

SEC. 6. NONDISCRIMINATION AND EXEMPTIONS.

A State shall not have power under this Act to require any person not located in the State or local jurisdiction to collect and remit a State or local sales tax if a person located in the State or local jurisdiction would have been exempt from or otherwise not subject to such State or local sales tax under similar circumstances.

SEC. 7. APPLICATION OF STATE LAW.

(a) PERSONS REQUIRED TO COLLECT STATE OR LOCAL SALES TAX.—Any person required by section 3 to collect a State or local sales tax shall be subject to the laws of such State relating to such sales tax to the extent that such laws are consistent with the limitations contained in this Act.

(b) LIMITATIONS.—Except as provided in subsection (a), nothing in this Act shall be construed to permit a State—

(1) to license or regulate any person,

(2) to require any person to qualify to transact intrastate business, or

(3) to subject any person to State taxes not related to the sales of tangible personnel property.

(c) PREEMPTION.—Except as otherwise provided in this Act, this Act shall not be construed to preempt or limit any power exercised or to be exercised by a State or local jurisdiction under the law of such State or local jurisdiction or under any other Federal law.

SEC. 8. TOLL-FREE INFORMATION SERVICE.

A State shall not have power under this Act to require any person to collect a State or local sales tax on any sale unless, at the time of such sale, such State has a toll-free telephone service available to provide such person information relating to collection of such State or local sales tax. Such information shall include, at a minimum, all applicable tax rates, return and remittance addresses and deadlines, and penalty and interest information. As part of the service, the State shall also provide all necessary forms and instructions at no cost to any person using the service. The State shall prominently display the toll-free telephone number on all correspondence with any person using the service. This service may be provided jointly with other States.

SEC. 9. DEFINITIONS.

For the purposes of this Act—

(1) the term "compensating use tax" means a tax imposed on or incident to the use, storage, consumption, distribution, or other use within a State or local jurisdiction or other area of a State, of tangible personal property;

(2) the term "local sales tax" means a sales tax imposed in a local jurisdiction or area of a State and includes, but is not limited to—

(A) a sales tax or in-lieu fee imposed in a local jurisdiction or area of a State by the State on behalf of such jurisdiction or area, and

(B) a sales tax imposed by a local jurisdiction or other State-authorized entity pursuant to the authority of State law, local law, or both;

(3) the term "person" means an individual, a trust, estate, partnership, society, association, company or corporation, including a limited liability company, whether or not acting in a fiduciary or representative capacity, and any combination of the foregoing;

(4) the term "sales tax" means a tax, including a compensating use tax, that is—

(A) imposed on or incident to the sale, purchase, storage, consumption, distribution, or other use of tangible personal property as may be defined or specified under the laws imposing such tax, and

(B) measured by the amount of the sales price, cost, charge or other value of or for such property; and

(5) the term "State" means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

SEC. 10. EFFECTIVE DATE.

This Act shall take effect 180 days after the date of the enactment of this Act. In no event shall this Act apply to any sale occurring before such effective date.

OUTLINE OF THE TAX FAIRNESS FOR MAIN STREET BUSINESS ACT OF 1994

Effect: Will allow State and local jurisdictions to require out-of-State companies to collect sales taxes on tangible personal property sold to residents of the State or local jurisdiction. Requirements:

The company must solicit or conduct business in the State or local jurisdiction.

The company must deliver the tangible personal property into the State or local jurisdiction.

De Minimus Provision: A company will be exempt if its nationwide sales are less than $3 million. The exemption will not apply, however, in any State where the company's sales exceed $100,000.

Central Collection of Local Taxes Required: To utilize this law, a State must collect local sales taxes on behalf of its local jurisdictions.

Standard Local Sales Tax Option: If local sales taxes vary within a State, companies will have the option of paying all applicable local tax rates or a standard local rate called the "in-lieu fee."

Distribution of Local Sales Taxes: States must distribute local taxes collected pursuant to this law proportionate to the distribution of local taxes collected separate from this law—i.e., local taxes collected from out-of-State companies will be distributed proportionate to local taxes collected from in-State companies. Distributions must occur at least once every calendar quarter.

Filing Frequency: States may not require out-of-State companies to file tax returns more than once every calendar quarter.

Toll-Free Information Service: States must establish a toll-free information service to provide out-of-State companies with necessary information and forms.

BOAT TOWN,
Austin, TX.

Hon. Senator BUMPERS,
Chairman, Committee on Small Business, Russell Senate Office Building, Washington, DC.

DEAR SENATOR BUMPERS: I am writing you this letter to express my concerns about the Interstate Sales Tax Bill. My wife and I have owned a boat dealership here in Austin, Texas for nearly 18 years. Over the past 18 years we have worked very hard and have spent enormous amounts of money trying to bring our local customers into our store. As you well know we spend nearly $300.00 on each boat customer just to get them in our front door.

Over the past years we have seen an increase of people coming into our store shopping for skis and equipment and then turning to mail order catalogs because they do not have to pay sales taxes.

There is not a week that goes by that we do not face this problem. The customer comes in looking for a ski and my salespeople spend time with them fitting them into the type and size of ski that they need. The average ski sale is usually 4 visits to the shop taking an average of 1.5 hours of my salesperson's time. The ski costs $521.00. Our tax rate is 8% and that would equal $41.68 that the customer could save by ordering from the catalog. Then the customer wants us to handle all his warranty problems because we are convenient for him. So, we spend the time selling the ski to the customer, he buys it from the catalog because he saves sales tax, and he wants us to service it! It is virtually impossible for us to compete with these kinds of rules.

Senator, these are the kinds of problems we are facing with mail order catalogs. We are losing sales just because of taxes not having to be collected by mail order houses. Not only are we losing the sale but we are losing money by wasting advertising dollars to get the customer in the store, and then wage dollars wasted spending time with the customer. Any help on this subject would surely be appreciated.

Sincerely,

LOUIE L. RAVEN.

WHITE FURNITURE CO.,
Benton, AR, January 19, 1994.

Senator DALE BUMPERS,
Dirksen Building,
Washington, DC.

DEAR SENATOR BUMPERS: I want to make you aware of an unfair tax situation that has

been occurring for years in the furniture business. For quite some time we tried to ignore this, but when you see or hear the results every day of the week you have to finally stop and take notice.

My family has a small retail furniture business in Arkansas. We have paid taxes in the same small town for years. Now we have customers who are being educated by advertisers to shop their local retail stores for model numbers and prices—then call North Carolina and order and avoid paying our State sales taxes.

I have personally lost individual sales in my area for fifteen to twenty thousand dollars. We have found that the larger sales are the ones that people do out of state because of the high percentage of tax.

I'm not crying about the prices; I would just like to have a level playing field. We service our clients with free delivery; we furnish the showrooms where they can touch and feel the merchandise; we finance the merchandise locally, and we employ Arkansas people to sell and deliver the furniture.

Last year NBC did a travel segment and, on over 200 stations across our country, showed people how to take their vacations in North Carolina, shop while they are there and save enough in sales tax to pay for their vacation. Then CBS did a week long special on "Good Morning America," devoting one day to furniture, one to cars, and another to clothes, etc.

I don't know about the other 49 states, but I do know that our state could use the revenue from those lost sales taxes for our schools, roads, and local government.

I will be proud to support you in any effort you can make to help our state collect these unpaid taxes.

DEBBIE WHITE.

LONG BEACH YACHT SALES,
Long Beach, CA, January 18, 1994.

Hon. Senator BUMPERS,
Chairman, Committee on Small Business, Russell Senate Office Building, Washington, DC.

MR. STAN FENDLEY, Tax Council: Thank you, in advance, for your sponsorship of legislation regarding the collection of interstate sales tax. This week we lost a $240,000 deal as a result of a sales tax issue. The buyer bought a boat in Oregon to avoid our local and state sales tax. The vessel will be kept out of state for the required period of time and will be subsequently brought into California after the waiting period has elapsed. Based on our local tax rate of 8.25% the resulting tax would have been $19,800.

Not only did we (and the State) lose this deal, but we also lost the time and expenses involved in upselling the customer to a more expensive boat (from $140,00 to $240,000), sea trialing the boat and providing extensive consultation regarding the product. The customer thanked us but basically said for $19,800 he would have to make an economic choice to buy elsewhere. We did not have the margin to discount the product further to even attempt to compete.

In today's economic environment it is tough enough to succeed but without some form of a fair interstate sales tax collection program we, as a responsible and law abiding dealership, can not compete fairly against some of our out of state competitors that are not required to collect sales tax or tax at a significantly lower rate.

Again, thank you for sponsoring this important piece of legislation. Hopefully this will create a fair arena in which we can compete. As always, please feel free to contact me with any questions or comments that you may have.

Sincerely,

RAY JONES,
Owner.

SUPPORTERS OF THE TAX FAIRNESS FOR MAIN STREET BUSINESS ACT OF 1994

STATE AND LOCAL GOVERNMENT GROUPS

National Governors' Association.
National Conference of State Legislatures.
National Association of Counties.
National League of Cities.
U.S. Conference of Mayors.
Multistate Tax Commission.
Federal Tax Administrators.
Government Finance Officers Association.
National Association of State Budget Officers.
National Association of State Auditors, Comptrollers and Treasurers.
National Association of State Treasurers.

EDUCATION AND LABOR ORGANIZATIONS

National School Boards Association.
American Federation of State, County and Municipal Employees.
American Federation of Teachers.
AFL–CIO Public Employees Department.

RETAIL ASSOCIATIONS

International Council of Shopping Centers.
National Association of Retail Dealers of America.
Home Furnishing International.
Jewelers of America.
National Home Furnishing Association.
The National Floor Covering Association.
Marine Operators Association of America.
Marine Retailers Association of America.
Microcomputer Industry Association.
Performance Warehouse Association.

Mr. GRAHAM. Mr. President, today I am cosponsoring Senator BUMPER'S bill entitled the Tax Fairness for Main Street Business Act of 1994. This bill would empower a State or locality to impose, not an excise tax but, a personal property sales tax on products delivered into that State or locality.

This bill provides fairness. Mail order businesses have been able to serve customers living in different States by mailing purchased personal property without collecting a State sales tax on the merchandise. This puts State and local businesses at a disadvantage because they must impose a sales tax on the merchandise they sell. Our bill will put main street merchants on the same competitive sales tax footing as mail order businesses.

Many States need this bill to meet their fiscal responsibilities. Since the sales tax is the primary way that States generate revenue, it has been necessary for the States to rely more and more on the sales tax. Unfortunately the sales tax has not grown significantly enough for States to meet their operational needs. With their fiscal demands growing and their tax base shrinking, many States need another source to draw on for their operational needs. Passage of the Bumpers bill will give them that source.

Another impact on the States' shrinking tax base has been the intrusion of the Federal Government. A recent study by the National Association of Governors [NGA] entitled, "Financing State Governments in the 1990's," says:

There may be a fundamental shift in fiscal federalism brought by changes in federal tax policy or by a balanced-budget amendment to the federal Constitution. If the federal government enacts additional tax increases to pay for health care or to reduce the annual deficit, it is likely to intrude further upon state tax bases. If the federal government continues to reassign domestic policy responsibility to the states, state tax systems will be stressed further.

One recommendation set forth in the NGA report is the creation of uniform laws to address the mail order sales tax problem by allowing States to collect a use tax on direct sales businesses. At its meeting in Washington last weekend, the National Association of Governors adopted a resolution by an overwhelming majority to support Senator BUMPER'S bill and give States the ability to act.

Let me compliment my colleague, Senator BUMPERS, on the work he and his staff have put into this bill. I think the bill is timely and necessary and I commend him for his efforts.

Mr. COCHRAN. Mr. President, I am pleased to join with Senator BUMPERS as an original cosponsor of the Tax Fairness for Main Street Business Act.

This bill is similar to legislation I introduced in 1987 and again in 1988 to allow States to require mail order companies to collect State taxes on the merchandise they sell in the State, rather than relying on individuals to voluntarily remit the taxes.

In most instances, Mr. President, individual consumers are unaware of their responsibility to pay taxes on mail order purchases. In fact, many consumers may believe that mail order purchases are tax free.

With the recent and rapid growth in mail order sales and the sophisticated marketing and targeting techniques, catalog shopping has become very convenient and efficient for many consumers. In fact, mail order firms have become competitive with local firms and are now retailing every imaginable form of merchandise all over the country.

According to experts, the annual volume of interstate sales has grown from $80 billion to $300 billion over the last 10 years. These growing sales volumes point to the problem facing local retailers where the mail order firm is not required to collect a 5- to 8-percent sales tax on the sale.

Mr. President, the legislation introduced today is not intended to diminish the opportunity for consumers to order by mail. Instead, it will ensure a level playing field with respect to the collection of taxes on retail sales—whether those sales are by mail or over the counter at a local main street retailer.

This legislation simply authorizes States to require those mail order busi-

nesses that have over $3 million in annual sales or sales in excess of $100,000 in any individual State to collect and remit sales tax to the State to which the merchandise was shipped.

This bill will provide, to those States that choose to exercise it, the authority to enforce collection of their sales taxes. More importantly, it will ensure that local, main street retail firms will be protected from the unfair competition that arises when sales taxes are not collected on mail order sales.

Mr. President, I commend Senator BUMPERS for introducing this legislation, and I look forward to working with him to move it forward.

By Mr. KERRY (for himself, Mr. BUMPERS, Mr. BRADLEY, Mr. LEAHY, Mr. LAUTENBERG, Mr. HARKIN, Mr. CONRAD, Mr. WOFFORD, and Mr. FEINGOLD):

S. 1826. A bill to reduce the deficit for fiscal years 1994 through 1998; to the Committee on Appropriations.

DEFICIT REDUCTION ACT OF 1994

Mr. KERRY. Mr. President, today I am introducing a bill to cut almost $45 billion from the Federal deficit over the next 5 years. This proposal would achieve a radical reduction in the deficit without touching entitlements and without resorting to gimmicks. It would do so merely by cutting programs that are clearly pork-barrel boondoggles.

I am joined in this effort by eight of my colleagues who share with me a sense of urgency in cutting the deficit. We all feel that it is no longer tenable to continue business as usual in the face of the surging Federal debt that places a huge tax, without representation, on the children of this Nation.

In this issue as in so many others, the American people are far ahead of the policy experts and politicians in Washington. They are telling us loudly and clearly that it is time to take a carving knife to the Federal budget. They are tremendously frustrated with what they see as our inability to eliminate even the smallest, the least defensible programs.

They know—and they are absolutely right—that there are many programs that have outlived their original purposes but which are staunchly defended by the entrenched interests that benefit from the programs. There are many others that never served a legitimate national interest but were initiated only to satisfy powerful political constituencies.

My colleagues and I felt that the time had long since passed to dispense with rhetoric and achieve real results in cutting this pork from the Federal budget. In order to do so, we crafted a package of cuts around which we hope we will get maximum consensus—from the American people, from our colleagues, and from the President.

We followed three principles from the start.

First, we decided not to make changes to health care programs. A majority of our group—though certainly not all—decided that we should leave those changes to comprehensive health care reform.

Second, we decided we would use no gimmicks in order to claim savings. No across-the-board cuts; no vague proposals; no double-counting. For example, we decided we would not include in our package the elimination of the 252,000 Federal jobs proposed in the Vice President's national performance review—not because we did not feel that they should be eliminated but because we wanted to be conservative in our savings estimates and the savings from the elimination of these jobs have already been accounted for in the crime bill, the unemployment insurance bill, and the DOD budget.

Third, we decided to let a thousand flowers bloom—in other words, we would not compete with any other group that was seeking, as we were, to reduce the deficit. We would hope that the presence of a variety of plans and options would enhance the likelihood that the deficit would in fact be reduced. In fact, several members of our group participated in other efforts.

Putting together the package meant eliminating programs each of us would have preferred not to cut. But in this era of shrinking Federal resources and rising demands for those resources we must all make tough choices.

I know that none of my colleagues, when forced to make the choice, think they would support health care research in space over education for our inner-city children. But that is exactly the choice they make every year when they vote to continue to fund the space station.

Cutting programs that no longer serve more than a narrow subsection of the Nation is the only way to restore fiscal sanity to our Federal budget, restore the faith of the American people that their elected representatives can be responsible with their tax dollars, and free up funds for our real national priorities.

The madness must end. And to end it, we each must be willing to vote to eliminate programs that we know are not in the national interest. I hope that my colleagues will examine our package and join us in our efforts.

Mr. President, I ask unanimous consent that the full text of the bill appear in the RECORD following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1826

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Deficit Reduction Act of 1994".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Of the aggregate funds made available to the Department of Agriculture in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1994 (Public Law 103-111) $13,000,000 is rescinded, to be derived from restructuring and reinventing the Department of Agriculture.

Subtitle B—National Defense

SEC. 201. RESCISSION OF FUNDS FOR NUCLEAR WEAPONS ACTIVITIES.

Of the funds appropriated under the heading "Atomic Energy Defense Activities, Weapons Activities" in the Department of Energy and Water Development Appropriations Act, 1994 (Public Law 103-126), $400,000,000 is rescinded, to be derived from weapons research and development activities and weapons testing activities used for national security programs.

SEC. 202. RESCISSION OF FUNDS FOR THE SELECTIVE SERVICE SYSTEM.

Of the funds made available under the heading "Selective Service System" in the VA, HUD, and Independent Agencies Appropriations Act, 1994 (Public Law 103-124), $15,000,000 is rescinded, to be derived from the Selective Service System.

SEC. 203. D5 (TRIDENT II) MISSILE PROGRAM.

Of the funds made available under the heading "Weapons Procurement, Navy" in the Department of Defense Appropriations Act, 1994 (Public Law 103-139), $1,130,000,000 is rescinded, to be derived from the D5 (Trident II) Missile Program.

SEC. 204. RESCISSION OF FUNDS FOR THE FOLLOW-ON EARLY WARNING SYSTEM PROGRAM.

Of the funds made available under the heading "Research, Development, Test, and Evaluation, Air Force" in the Department of Defense Appropriations Act, 1994 (Public Law 103-139), $110,000,000 is rescinded, to be derived from the Follow-On Early Warning System Program.

SEC. 205. RESCISSION OF FUNDS FOR BALLISTIC MISSILE DEFENSE ORGANIZATION PROGRAMS.

Of the funds appropriated by the Department of Defense Appropriations Act, 1994 (Public Law 103-139), for research, development, test, and evaluation for Defense-wide and Air Force activities that are available for programs managed by the Ballistic Missile Defense Organization, $900,000,000 is rescinded.

SEC. 206. RESCISSION OF FUNDS FOR RECRUITING ACTIVITIES OF THE ARMED FORCES.

Of the funds made available under the heading "Operations and Maintenance, Defense Agencies" in the Department of Defense Appropriations Act, 1994 (Public Law 103-139), $16,000,000 is rescinded and of the funds made available under the heading "Military Personnel" in the Department of Defense Appropriations Act, 1994 (Public Law 103-139), $17,000,000 is rescinded, to be derived from recruiting activities of the Armed Forces.

SEC. 207. RESCISSION OF FUNDS FOR TITAN IV MISSILE LAUNCH SYSTEMS.

Of the funds made available under the heading "Missile, Procurement, Air Force" in the Department of Defense Appropriations Act, 1994 (Public Law 103-139), $350,000,000 is rescinded, to be derived from Titan IV missile launch systems.

SEC. 208. RESCISSION OF FUNDS FOR THE NATIONAL AEROSPACE PLANE PROGRAM.

Of the funds made available under the heading "Research, Development, Test and Evaluation, Air Force" in the Department of Defense Appropriations Act, 1994 (Public Law 103-139), $40,000,000 is rescinded, to be derived from the National Aerospace Plane Program.

Subtitle C—Foreign Relations and Intelligence

SEC. 301. RESCISSION OF FUNDS FOR INTELLIGENCE AND INTELLIGENCE-RELATED ACTIVITIES.

Of the funds made available in the Department of Defense Appropriations Act, 1994 (Public Law 103-139), $1,000,000,000 is rescinded, to be derived from programs and activities of the National Foreign Intelligence Program and the Tactical Intelligence and Related Activities.

SEC. 302. RESCISSION OF FUNDS FOR THE WORLD BANK.

Of the funds made available under the heading "Contribution to International Bank for Reconstruction and Development" in the Foreign Operations Appropriations Act, 1994 (Public Law 103-87)—

(1) $27,910,500 provided for paid-in capital is rescinded; and

(2) $902,439,500 provided for callable capital is rescinded.

SEC. 303. RESCISSION OF FUNDS FOR FOREIGN MILITARY AID.

Of the funds made available under the heading "Foreign Military Financing Program" in the Foreign Operations Appropriations Act (Public Law 103-87), $26,000,000 is rescinded, to be derived from the Foreign Military Financing Grants.

Subtitle D—Government Employees and Government Operations

SEC. 401. RESCISSION OF FUNDS FOR SENIOR EXECUTIVE SERVICE ANNUAL LEAVE.

Of the aggregate funds made available to executive departments and agencies in appropriations act for fiscal year 1994 for purposes of payments for accrued leave upon termination of employment, $2,000,000 is rescinded. The Director of the Office of Management and Budget shall allocate such rescission among the appropriate accounts, and shall submit to the Congress a report setting forth such allocation.

SEC. 402. RESCISSION OF FUNDS FOR FEDERAL BUILDINGS.

Of the funds made available under the heading "Federal Buildings Fund" in the Treasury, Postal Service, General Government Appropriations Act, 1994 (Public Law 103-123), $288,000,000 is rescinded, to be derived from acquisition of new Federal buildings.

SEC. 403. RESCISSION OF FUNDS FOR THE FEDERAL INFORMATION CENTER.

Of the funds made available under the heading "Information Resources Management Services, Operating Expense" in the Treasury, Postal Service, General Government Appropriations Act, 1994 (Public Law 103-123), $3,000,000 is rescinded, to be derived from the Federal Information Center.

Subtitle E—Energy and Commerce

SEC. 501. RESCISSION OF FUNDS FOR THE SUPERCONDUCTING SUPER COLLIDER.

Of the funds made available under the heading "General Science, Research" in the Energy and Water Development Appropriations Act, 1994 (Public Law 103-126), $200,000,000 is rescinded, to be derived from the Superconducting Super Collider.

SEC. 502. RESCISSION OF FUNDS FOR THE TENNESSEE VALLEY AUTHORITY FERTILIZER PROGRAM.

Of the funds made available under the heading "TVA Fund" in the Energy and Water Development Appropriations Act, 1994 (Public Law 103-126), $35,000,000 is rescinded, to be derived from the Tennessee Valley Authority Fertilizer Program.

SEC. 503. RESCISSION OF FUNDS FOR THE UNITED STATES SPACE STATION FREEDOM PROGRAM.

Of the funds made available under the heading "NASA, R&D" in the VA, HUD, and Independent Agencies Appropriations Act, 1994 (Public Law 103-111), $900,000,000 is rescinded, to be derived from the United States Space Station Freedom Program.

SEC. 504. RESCISSION OF FUNDS FOR THE MODULAR HIGH-TEMPERATURE GAS REACTOR.

Of the funds made available under the heading "Energy Supply R&D" in the Energy and Water Development Appropriations Act, 1994 (Public Law 103-126), $12,000,000 is rescinded, to be derived from the Modular High-Temperature Gas Reactor program.

SEC. 505. RESCISSION OF FUNDS FOR THE ADVANCED LIQUID METAL REACTOR.

Of the funds made available under the heading "Energy Supply R&D" in the Energy and Water Development Appropriations Act, 1994 (Public Law 103-126), $45,000,000 is rescinded, to be derived from the Advanced Liquid Metal Reactor Program.

TITLE II—PERMANENT PROGRAM CHANGES FOR FISCAL YEARS AFTER 1994

Subtitle A—Agriculture

SEC. 1101. PAYMENT OF CERTAIN COSTS UNDER ACREAGE LIMITATION PROGRAMS.

Title I of the Agricultural Act of 1949 (7 U.S.C. 1441 et seq.) is amended by adding at the end the following new section:

"SEC. 116. PAYMENT OF CERTAIN COSTS UNDER ACREAGE LIMITATION PROGRAMS.

"(a) IN GENERAL.—If an acreage limitation program is announced for a crop of a commodity under this title, as a condition of eligibility for loans, purchases, and payments for the crop under this title, the producers on a farm shall pay to the Secretary of the Interior an amount that is equal to the full cost incurred by the Federal Government of the delivery to the farm of water that is used in the production of the crop, as determined by the Secretary of the Interior.

"(b) APPLICATION.—

"(1) IN GENERAL.—Subsection (a) shall not apply to the delivery of water pursuant to a contract that is entered into before the date of enactment of the Deficit Reduction Act of 1994, under any provision of Federal reclamation law.

"(2) RENEWAL OR AMENDMENT.—If a contract described in paragraph (1) is renewed or amended on or after the date of enactment of the Deficit Reduction Act of 1994, subsection (a) shall apply to the delivery of water beginning on the date of renewal or amendment.".

SEC. 1102. REDUCTION OF FUNDING LEVEL FOR MARKET PROMOTION PROGRAM.

Section 211(c)(1) of the Agricultural Trade Act of 1978 (7 U.S.C. 5641(c)(1)) is amended by striking "$110,000,000 for each of the fiscal years 1994 through 1997" and inserting "$98,000,000 for each of the fiscal years 1994 through 1998".

SEC. 1103. CONSOLIDATION OF FIELD OFFICES OF DEPARTMENT OF AGRICULTURE.

Pursuant to authorities proposed in the "Department of Agriculture Reorganization Act of 1993" (H.R. 3171) and current legal authorities, the Secretary of Agriculture shall take action to restructure and reinvent the Department of Agriculture by reducing the number of agencies in the Department, reducing headquarters and administrative staffing and overhead, closing or consolidating unnecessary field locations, and taking such other actions as may be necessary to reduce the staffing of the Department by not less than 7,500 staff years and save a total of not less than $1,640,000,000 during the period fiscal years 1995 through 1999.

Subtitle B—National Defense

SEC. 1201. LIMITATION ON THE NUMBER OF NUCLEAR WARHEADS MAINTAINED BY THE UNITED STATES.

(a) IN GENERAL.—Effective on and after September 30, 1998, the number of nuclear warheads maintained by the United States may not exceed the lesser of—

(1) 4,000; or

(2) the maximum number of nuclear warheads permitted under applicable international agreements to which the United States is a party.

(b) WAIVER AUTHORITY.—The President may waive the limitation in subsection (a) if the President determines that—

(1) the limitation would adversely affect arms control negotiations with foreign governments; or

(2) the waiver is necessary in the national security interests of the United States.

(c) LIMITATION ON EXPENDITURES FOR NUCLEAR WEAPONS RESEARCH, DEVELOPMENT, AND TESTING ACTIVITIES OF THE DEPARTMENT OF ENERGY.—Notwithstanding any other provision of law, the total amount that may be expended by the Department of Energy for operating expenses incurred in carrying out weapons research and development activities and weapons testing activities necessary for national security programs during—

(1) fiscal year 1995, may not exceed $5,016,800,000;

(2) fiscal year 1996, may not exceed $4,724,000,000;

(3) fiscal year 1997, may not exceed $4,483,000,000; and

(4) fiscal year 1998, may not exceed $4,195,000,000.

SEC. 1202. UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.

(a) PHASED TERMINATION.—Chapter 104 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2116. Admissions after 1993 prohibited

"No student may be admitted for enrollment in a program of the University after December 31, 1993.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2116. Admissions after 1993 prohibited.".

SEC. 1203. THE SELECTIVE SERVICE SYSTEM.

(a) TERMINATION.—Effective April 1, 1994, section 10 of the Military Selective Service Act (50 U.S.C. App. 460) is repealed.

(b) USE OF FUNDS FOR TERMINATION.—Funds available for operation of the Selective Service System established under section 10 of the Military Selective Service Act shall be available on and after the date of the enactment of this Act only for payment of the costs associated with the termination of the Selective Service System.

(c) TERMINATION OF REGISTRATION REQUIREMENT.—Section 3 of the Military Selective Service Act (50 U.S.C. App. 453) is amended by adding at the end the following new subsection:

"(c) Effective on the date of the enactment of the Deficit Reduction Act of 1993, no person shall be required to present himself for and submit to registration under this section.".

(d) SUSPENSION OF SANCTIONS.—Subsection (g) of section 12 of such Act (50 U.S.C. App. 462) is amended to read as follows:

"(g) A person may not be denied a right, privilege, benefit, or employment position under Federal law by reason of the failure of such person to present himself for and submit to registration under section 3 if the requirement for the person to so register has terminated or become inapplicable to the person.".

SEC. 1204. D5 (TRIDENT II) MISSILE PROGRAM.

(a) ADDITIONAL PROCUREMENT TERMINATED.—

(1) PROHIBITION ON USE OF FUNDS.—No funds appropriated or otherwise made available to the Department of Defense may be obligated after the date of the enactment of this Act for procurement of D5 (Trident II) missiles.

(2) PAYMENT OF TERMINATION COSTS.—Funds referred to in paragraph (1) that, except for paragraph (1), would be available for procurement of D5 (Trident II) missiles may be obligated for payment of the costs associated with the termination of D5 (Trident II) missile procurement.

(b) TERMINATION OF BACKFITTING.—The Secretary of the Navy may not modify any submarine configured for carrying the C4 missile in order to configure such submarine for carrying the D5 (Trident II) missile.

(c) TEST FLIGHTS.—The number of test flights of D5 missiles conducted in a year may not exceed 6.

SEC. 1205. TERMINATION OF THE FOLLOW-ON EARLY WARNING SYSTEM PROGRAM.

(a) TERMINATION OF PROGRAM.—The Secretary of the Air Force shall terminate the Follow-on Early Warning System (FEWS) program.

(b) PAYMENT OF TERMINATION COSTS.—Funds available for procurement and for research, development, test, and evaluation that are available on or after the date of the enactment of this Act for obligation for the Follow-on Early Warning System program may be obligated for that program only for payment of the costs associated with the termination of such program.

SEC. 1206. BALLISTIC MISSILE DEFENSE ORGANIZATION PROGRAMS.

Notwithstanding any other provision of law, with regard to the funds available for obligation after fiscal year 1993 for programs managed by the Ballistic Missile Defense Organization, preference shall be given to programs, projects, and activities under the Theater Missile Defense program element.

SEC. 1207. CONSOLIDATION AND REDUCTION OF RECRUITING ACTIVITIES OF THE ARMED FORCES.

(a) CONSOLIDATION AND REDUCTION OF RECRUITING ACTIVITIES.—The Secretary of Defense shall consolidate and reduce the recruiting activities of the Armed Forces of the United States.

(b) LIMITATION.—

(1) MAXIMUM AVERAGE RECRUITING COST PER RECRUIT.—

(A) ACTIVE COMPONENTS.—The average cost per enlisted recruit for the active components of the Armed Forces for fiscal year 1995 may not exceed the average cost per enlisted recruit for the active components of the Armed Forces for the period beginning on October 1, 1983, and ending on September 30, 1989.

(B) RESERVE COMPONENTS.—The average cost per enlisted recruit for the reserve components of the Armed Forces for fiscal year 1995 may not exceed the average cost per enlisted recruit for the reserve components of the Armed Forces for the period beginning on October 1, 1983, and ending on September 30, 1989.

(2) AVERAGE COST PER RECRUIT DEFINED.—In this subsection, the term "average cost per enlisted recruit", with respect to a period, means the average cost incurred by the Department of Defense during that period for the recruitment of a person for an initial enlistment in the active components or the reserve components, as the case may be, of the Armed Forces of the United States during that period.

(3) CONSTANT DOLLAR COMPARISONS.—For the purposes of paragraphs (1) and (2), average costs shall be computed and compared on a constant dollar basis.

(c) PHASE-IN REQUIREMENT.—The Secretary of Defense shall take such actions under subsection (a) as are necessary to achieve during fiscal year 1994 a reduction in recruiting costs of not less that $33,000,000.

(d) WAIVER AUTHORITY.—The President may waive the limitation in subsection (b) in the event of a war declared by Congress or a national emergency declared by Congress or the President.

SEC. 1208. ANTISUBMARINE WARFARE AIRCRAFT SQUADRONS OF THE NAVY.

(a) REDUCTION IN NUMBER OF P-3 AIRCRAFT SQUADRONS.—Funds may not be expended—

(1) after September 30, 1995, to support more than 31 P-3 aircraft squadrons in the Navy;

(2) after September 30, 1996, to support more than 26 P-3 aircraft squadrons in the Navy;

(3) after September 30, 1997, to support more than 23 P-3 aircraft squadrons in the Navy; and

(4) after September 30, 1998, to support more than 18 P-3 aircraft squadrons in the Navy.

(b) WAIVER AUTHORITY.—The President may waive the limitation in subsection (a) to

the extent that the President determines necessary in the national security interests of the United States.

SEC. 1209. REDUCTION IN NUMBER OF TITAN IV MISSILE LAUNCH SYSTEMS ACQUIRED.

(a) LIMITATION.—The number of Titan IV missile launch systems acquired for the performance of missions that include missions for the Department of Defense may not exceed two in any fiscal year.

(b) RULE OF CONSTRUCTION.—For purposes of subsection (a), a missile launch system is acquired when the complete system is accepted.

SEC. 1210. TERMINATION OF THE NATIONAL AEROSPACE PLANE PROGRAM.

(a) TERMINATION OF PROGRAM.—The Secretary of Defense shall terminate the National Aerospace Plane (NASP) program.

(b) PAYMENT OF TERMINATION COSTS.—Funds available for procurement and for research, development, test, and evaluation that are available on or after the date of the enactment of this Act for obligation for the National Aerospace Plane program may be obligated for that program only for payment of the costs associated with the termination of such program.

Subtitle C—Foreign Relations and Intelligence

SEC. 1301. FUTURE APPROPRIATIONS FOR INTELLIGENCE AND INTELLIGENCE-RELATED ACTIVITIES.

The total amount authorized to be appropriated for each of fiscal years 1995 through 1998 for the National Foreign Intelligence Program and for Tactical Intelligence and Related Activities may not exceed the amount (adjusted for monetary inflation after fiscal year 1994) that is made available for fiscal year 1994 for such program and activities (taking into account the rescission in section 301).

SEC. 1302. BROADCASTING ACTIVITIES OF RADIO FREE EUROPE AND RADIO LIBERTY.

(a) IN GENERAL.—Notwithstanding any other provision of law, no grant may be made by the Board for International Broadcasting, or any successor entity that may hereinafter be established, for the purpose of operating Radio Free Europe and Radio Liberty except under the terms and conditions set forth under this section.

(b) LIMITATION ON GRANT AMOUNT.—No grant may be made to operate Radio Free Europe and Radio Liberty after September 30, 1995, in excess of $75,000,000.

(c) COMPETITIVE GRANT REQUIREMENT.—Any grant made to operate Radio Free Europe and Radio Liberty may be awarded on the basis of full and open competition if the grantor determines the grantee is not carrying out the grant in an effective and economic manner.

(d) GRANT AGREEMENT.—(1) Any grant agreement entered into by the Board for International Broadcasting, or its successor, for the purpose of operating Radio Free Europe and Radio Liberty shall require that grant funds shall only be used for activities set forth in the grant agreement, which shall provide, in detail, the purposes for which grant funds may be used and shall include conditions designed to reduce overlapping language services and broadcasting services with other broadcasting services funded by the United States Government.

(2) The grant agreement shall provide that failure to comply with the requirements of the agreement shall permit the grant to be terminated without fiscal obligation to the United States.

(e) PROHIBITED USES OF THE GRANT FUNDS.—No grant funds may be used—

(1) to pay any salary or other compensation, or enter into any contract providing for the payment thereof in excess of the rates established for comparable positions under chapter 51 and subchapter II of chapter 53 of title 5, United States Code, except that this limitation shall not be imposed prior to January 1, 1995 with respect to any employee covered by a union agreement requiring a different salary or other compensation;

(2) to pay for any activity for the purpose of influencing the passage or defeat of legislation being considered by the Congress of the United States;

(3) to enter into a contract or obligation to pay severance payments beyond those required by United States law or the laws of the country where the employee is stationed;

(4) to pay for first class travel for any employee of the grantee or the employee's relation; or

(5) to compensate freelance contractors except as provided for, in detail, in the grant agreement or with the written approval of the grantor agency or its agent.

(f) REPORT ON MANAGEMENT PRACTICES.—Not later than March 31 and September 30 of each calendar year, the Inspector General of the Board for International Broadcasting or its successor, shall submit to the Board, or its successor, and to the Congress, a report on management practices of the grantee, during the preceding 6-month period.

(g) REPORTS ON PERSONNEL CLASSIFICATION.—(1) Not later than 3 months after the date of enactment of this Act, the Board for International Broadcasting shall submit a report to the Office of Personnel Management containing justification, in terms of the types of duties performed at specific rates of compensation, of the classification of personnel employed by the grantee.

(2) Not later than 9 months after submission of the report referred to in paragraph (1), the Office of Personnel Management shall submit to Congress a report containing an evaluation of the system of personnel classification used by the grantee with respect to its employee, including identification of any disparity between the rate of compensation provided to employees of the grantee and that provided to employees of the Voice of America stationed overseas in comparable positions.

(h) PLAN FOR RELOCATION.—Before relocating the headquarters of RFE/RL, Incorporated, in the Federal Republic of Germany to another site, the grantee shall submit to the appropriate congressional committees a detailed plan for such relocation, including cost estimates. No funds may be made available for such relocation unless explicitly provided in an appropriation Act or pursuant to a reprogramming notification.

Subtitle D—Government Employees and Government Operations

SEC. 1401. UNIFORM PAY ADJUSTMENTS FOR MEMBERS OF CONGRESS AND CIVIL SERVICE EMPLOYEES.

(a) CALENDAR YEAR 1994.—Notwithstanding section 601(a)(2) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31(2)), the cost-of-living adjustment (relating to pay for Members of Congress) which would become effective under such provision of law during calendar year 1994 shall not take effect.

(b) LIMITATION OF FUTURE ADJUSTMENTS.—Effective as of December 31, 1994, paragraph (2) of section 601(a) of the Legislative Reorganization Act of 1946 is amended—

(1) by striking "(2) Effective" and inserting "(2)(A) Subject to subparagraph (B), effective"; and

(2) by adding at the end the following:

"(B) In no event shall the percentage adjustment taking effect under subparagraph (A) in any calendar year exceed the percentage adjustment taking effect in such calendar year under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule.".

SEC. 1402. LIMITATION ON ACCUMULATION OF SENIOR EXECUTIVE SERVICE ANNUAL LEAVE.

(a) IN GENERAL.—Effective on the last day of the last applicable pay period beginning in calendar year 1993, subsection (f) of section 6304 of title 5, United States Code is repealed.

(b) SAVINGS PROVISION.—Notwithstanding the amendment made by subsection (a), in the case of an employee who, on the effective date of subsection (a), is subject to subsection (f) of section 6304 of title 5, United States Code, and who has to such employee's credit annual leave in excess of the maximum accumulation otherwise permitted by subsection (a) or (b) of section 6304, such excess annual leave shall remain to the credit of the employee and be subject to reduction, in the same manner as provided in subsection (c) of section 6304.

(c) CONFORMING AMENDMENT.—Section 6304(a) of title 5, United States Code, is amended by striking "(e), (f), and (g)" and inserting "(e) and (g)", effective as of the effective date of subsection (a).

SEC. 1403. MORATORIUM ON THE ACQUISITION OF NEW FEDERAL BUILDINGS.

(a) GENERAL RULE.—After the date of enactment of this Act and before October 1, 1998, the Administrator of General Services may not obligate any funds for construction or acquisition of any public building under the authority of the Public Buildings Act of 1959 or any other provision of law (other than a public building under construction or under contract for acquisition on such date of enactment).

(b) PUBLIC BUILDING DEFINED.—In this section, the term "public building" has the meaning such term has under the Public Buildings Act of 1959.

SEC. 1404. TERMINATION OF THE FEDERAL INFORMATION CENTER.

Effective July 1, 1994, the Federal Information Center is terminated.

Subtitle E—Energy and Commerce

SEC. 1501. ELIMINATION OF SUPERCONDUCTING SUPER COLLIDER.

(a) FUNDING PROHIBITION.—Beginning on the date of enactment of this Act, the United States may not obligate any funds for the Superconducting Super Collider described in section 7 of Appendix A to part 605 of title 10, Code of Federal Regulations.

(b) EXPENDITURE OF FUNDS PROHIBITED.—Except as provided in subsection (d), and except in the case of a contract or agreement entered into before the date of enactment of this Act, or moneys obligated prior to such date, no funds appropriated by Congress shall be expended on or after the date of enactment of this Act, in any fiscal year, in connection with the Superconducting Super Collider.

(c) CONTRACT AND AGREEMENT PROHIBITION.—Except as provided in subsection (d), beginning on the date of enactment of this Act, no department, agency, or other instrumentality of the United States, or any officer or employee of the department, agency, or instrumentality, shall enter into any contract or other agreement in connection with the Superconducting Super Collider.

(d) EXCEPTION.—Subsections (b) and (c) shall not be applicable to any funds appropriated, or any contract or agreement entered into, solely for the purpose of termi-

nating, pursuant to this Act, any action or activity involving the Superconducting Super Collider.

SEC. 1502. TERMINATION OF TENNESSEE VALLEY AUTHORITY FERTILIZER PROGRAM.

Section 5(h) of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831d(h)) is amended—

(1) by striking "To establish" and inserting "(1) Subject to paragraph (2), to establish"; and

(2) by adding at the end the following new paragraph:

"(2) The board may not use Federal funds to establish or maintain the National Fertilizer and Environmental Research Center or any comparable entity.".

SEC. 1503. TERMINATION OF UNITED STATES SPACE STATION FREEDOM PROGRAM.

(a) PROHIBITION.—Beginning on the date of enactment of this Act, the United States may not obligate any funds to carry out the provisions of section 106 of the National Aeronautics and Space Administration Authorization Act of 1988 (42 U.S.C. 2451 note).

(b) EXPENDITURE OF FUNDS PROHIBITED.—Except as provided in subsection (d), and except in the case of a contract or agreement entered into before the date of enactment of this Act, or moneys obligated prior to such date, no funds appropriated by Congress shall be expended on or after the date of enactment of this Act, in any fiscal year, in connection with the United States Space Station Freedom Program.

(c) CONTRACT AND AGREEMENT PROHIBITION.—Except as provided in subsection (d), beginning on the date of enactment of this Act, no department, agency, or other instrumentality of the United States, or any officer or employee of the department, agency, or instrumentality, shall enter into any contract or other agreement in connection with the United States Space Station Freedom Program.

(d) EXCEPTION.—Subsections (b) and (c) shall not be applicable to any funds appropriated, or any contract or agreement entered into, solely for the purpose of terminating, pursuant to this Act, any action or activity involving the United States Space Station Freedom Program.

SEC. 1504. TERMINATION OF GAS TURBINE-MODULAR HELIUM REACTOR PROJECT.

(a) PROHIBITION.—No appropriated funds that remain unobligated on the date of enactment of this Act shall be available for the gas turbine-modular helium reactor project (GT-MHR) (formerly known as the high temperature gas reactor).

(b) PAYMENT OF TERMINATION COSTS.—Notwithstanding subsection (a), funds that are available on the date of enactment of this Act for the gas turbine-modular helium reactor project may be obligated for the project only for payment of the costs associated with the termination of such project.

SEC. 1505. ADVANCED LIQUID METAL REACTOR PROGRAM.

(a) IN GENERAL.—No amount of funds provided for any fiscal year may be obligated by the Secretary of Energy after the date of the enactment of this Act for the civilian portion of the advanced liquid metal reactor program, including—

(1) the program's promotion of the use of such reactors for the disposal of high-level radioactive waste; and

(2) Department of Energy support for regulatory applications to the Nuclear Regulatory Commission for design certification for advanced liquid metal reactors or related licensed facilities.

(b) PROHIBITION OF OTHER USES.—The amount of funds available on the date of the enactment of this Act for obligation for the program described in subsection (a) shall not be available for obligation by the Secretary of Energy after such date for any other purpose.

(c) EXCEPTION.—Subsections (a) and (b) shall not apply to obligations required to be incurred in terminating the program described in subsection (a).

Mr. BRADLEY. Mr. President, it's no secret that one of the truly troubling issues facing this and future Congresses is how to reduce our budget deficit. The fact is that this deficit cripples us. It robs us. It diminishes us. Even worse, it's legacy goes beyond our lifetime to deprive our children of possibilities and the future they deserve.

I'm pleased and proud to support Senator KERRY with this package of spending cuts and program reforms. Last fall, I tried on many occasions to cut spending by offering amendments to the various appropriations bills. Several of these proposals—notably the phaseout of the High Temperature Gas Reactor Program and the Selective Services System—are included in the Kerry package. What I learned from these attempts is that it is very, very difficult to cut spending. The status quo too easily overwhelms a call for change.

Today, we're trying once again to counter the budgetary inertia that threatens us so clearly. With a package of new ideas, we increase the stakes and the impact of the cuts. We counter the argument that nothing can be done. This package, without the usual smoke and mirrors, will cut the deficit. It will save us over $40 billion over the next 5 years. That, as they say, is real money.

Will this solve the problem? Of course not. Without health care reform, without some attempt to deal with the rising cost of entitlement programs, the deficit will continue. But the deficit will drop. More important, passage of a package like this will indicate our seriousness and our willingness to take on special interests, to deal with waste, and to argue for balance and fairness. If we make progress here, we can make progress in other areas. Altogether, with work, we can find our way from a future darkened by a storm cloud of debt.

Mr. President, ours is a serious effort, with great need and high stakes. I urge my colleagues to consider this package carefully. I urge their support.

Mr. LEAHY. Mr. President, for far too long, we have heard empty rhetoric about cutting our national debt. Politicians on both sides of the aisle have merely given lip service to making the difficult decisions needed to cut our deficit. Unlike real budget cutting, talk is cheap.

Today, I am pleased to join with Senator KERRY as an original cosponsor of the Deficit Reduction Act of 1994. This bill turns cheap talk into real cuts by proposing to terminate pork-barrel projects, shut down obsolete programs, and eliminate unnecessary Government spending.

Here is an opportunity for Congress to cut Federal spending by $45 billion. Our bill tackles the boondoggles that Congress has such a hard time killing by cutting off spending for the gas-cooled reactor project, the national aerospace plane, the space station, and the Advanced Metal Reactor Program. These programs are not worth the billions of dollars that they cost. When our national debt is over $4 trillion, we simply can not afford these luxuries.

We go further by eliminating obsolete programs. Projects that once may have been necessary but which should now fade into the pages of history. American taxpayers can save billions by cutting back on nuclear weapons research, the selective service, and several missile systems—all relics of the cold war.

Finally, Americans want a Federal Government that is lean and mean. The Deficit Reduction Act, strikes out at wasteful benefits and programs by rescinding leave accrued by senior Government officials, prohibiting future cost-of-living increases for Members of Congress and closing the doors of the Federal Information Center.

The greatest threat to the United States is our national debt. Our Government needs to get its checkbook in order by making tough choices. The Deficit Reduction Act of 1994 faces this reality and makes these decisions.

Mr. FEINGOLD. Mr. President, I am pleased to be a cosponsor of this legislation to commend the Senator from Massachusetts [Mr. KERRY] for his leadership in putting together this package of spending cuts.

This legislation will produce over $40 billion in deficit reduction over the next 5 years, and it represents the kind of payment we must continue to make if we are to win the war on our massive Federal debt.

Mr. President, this bill is being introduced at a time when many have suggested that we no longer need to worry about the Federal budget deficit. Some point to recent estimates that show much lower deficit figures than were predicted a little over a year ago, and it is true that, thanks to President Clinton's deficit reduction package last year, we have made enormous progress in getting a handle on our Federal budget deficit.

But that progress should not be an excuse to duck tough decisions or postpone additional cuts.

To the contrary, it has taken a long time to build a consensus to make difficult choices and actually reduce the deficit. The political momentum necessary to produce that consensus could dissipate, and would certainly be jeopardized, if we squander the opportunity

we have now to build on our recent efforts and complete the task.

Mr. President, this package is a reasoned and reasonable proposal. It dovetails nicely both with our previous deficit reduction efforts and with the other major proposals that have been developed recently, including a measure I have cosponsored—one developed under the leadership of the Senator from Nebraska [Mr. KERREY] and the Senator from Colorado [Mr. BROWN].

It contains a number of provisions that have been pursued on the floor already this session such as consolidating our overseas broadcasting, terminating the space station, and the cutting the Trident II missile program. Some of the provisions have been passed as part of other legislation. But, having passed those provisions once in no way lessens the need to pursue them again as part of this package. We should take advantage of every opportunity afforded us to attach spending cuts in which we believe to appropriate legislative vehicles.

Along with those provisions, though, this bill also contains provisions that have not had wide discussion or exposure. Among those are two provisions I have introduced as bills. One of them would phase out the Pentagon's medical school, an institution that produces fewer than 10 percent of the physicians in the military at four times the cost of alternative sources. The other would end the dubious practice of subsidizing certain agricultural producers for water used to grow the crops we pay those same producers to limit.

Mr. President, I very much enjoyed participating in the group pulled together by the Senator from Massachusetts. Not only did this effort give each of us another opportunity to pursue our favorite spending cut proposals, the proposal also pulls together a package of cuts that as a whole represent a significant payment to further reduce the Federal budget deficit.

Mr. President, I again commend the Senator from Massachusetts for his tireless efforts to bring together a package of spending cuts, and to the other cosponsors who helped shape this package.

ADDITIONAL COSPONSORS

S. 208

At the request of Mr. BUMPERS, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 208, a bill to reform the concessions policies of the National Park Service, and for other purposes.

S. 401

At the request of Mr. CAMPELL, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 401, a bill to amend title 23, United States Code, to delay the effective date for penalties for States that do not have in effect safety belt and motorcycle helmet safety programs, and for other purposes.

S. 526

At the request of Mr. BRADLEY, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 526, a bill to create a legislative item veto by requiring separate enrollment of items in appropriations bills and tax expenditure provisions in revenue bills.

S. 808

At the request of Mr. DECONCINI, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 808, a bill to encourage the States to enact legislation to grant immunity from personal civil liability, under certain circumstances, to volunteers working on behalf of nonprofit organizations and governmental entities.

S. 1275

At the request of Mr. RIEGLE, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 1275, a bill to facilitate the establishment of community development financial institutions.

S. 1350

At the request of Mr. INOUYE, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of S. 1350, a bill to amend the Earthquake Hazards Reduction Act of 1977 to provide for an expanded Federal program of hazard mitigation and insurance against the risk of catastrophic natural disasters, such as hurricanes, earthquakes, and volcanic eruptions, and for other purposes.

S. 1495

At the request of Mr. INOUYE, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 1495, a bill to repeal the reduction in the deductible portion of expenses for business meals and entertainment.

S. 1533

At the request of Mr. LOTT, the names of the Senator from Texas [Mr. GRAMM], the Senator from New Hampshire [Mr. GREGG], and the Senator from Colorado [Mr. BROWN] were added as cosponsors of S. 1533, a bill to improve access to health insurance and contain health care costs, and for other purposes.

S. 1541

At the request of Mr. COVERDELL, the names of the Senator from Alaska [Mr. MURKOWSKI] and the Senator from Arizona [Mr. MCCAIN] were added as cosponsors of S. 1541, a bill to provide that a nongovernmental person may use a private express carriage of certain letters and packets without being penalized by the Postal Service, and for other purposes.

S. 1669

At the request of Mrs. HUTCHINSON, the names of the Senator from Michigan [Mr. RIEGLE], the Senator from Colorado [Mr. BROWN], and the Senator from Washington [Mr. GORTON] were added as cosponsors of S. 1669, a bill to amend the Internal Revenue Code of 1986 to allow homemakers to get a full IRA deduction.

S. 1814

At the request of Mr. DASCHLE, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 1814, a bill to amend the Internal Revenue Code of 1986 to provide that a taxpayer may elect to include in income crop insurance proceeds and disaster payments in the year of the disaster or in the following year.

SENATE CONCURRENT RESOLUTION 34

At the request of Mr. BRADLEY, the names of the Senator from New Hampshire [Mr. GREGG], the Senator from Georgia [Mr. COVERDELL], the Senator from Pennsylvania [Mr. WOFFORD], and the Senator from Oregon [Mr. HATFIELD] were added as cosponsors of S. Con. Res. 34, a concurrent resolution expressing the sense of the Senate regarding the accounting standards proposed by the Financial Accounting Standards Board.

SENATE CONCURRENT RESOLUTION 35

At the request of Mr. WOFFORD, the names of the Senator from North Dakota [Mr. DORGAN], the Senator from Minnesota [Mr. WELLSTONE], the Senator from Alaska [Mr. MURKOWSKI], the Senator from New Hampshire [Mr. SMITH], the Senator from Virginia [Mr. WARNER], the Senator from New Hampshire [Mr. GREGG], the Senator from Iowa [Mr. GRASSLEY], the Senator from Wyoming [Mr. WALLOP], and the Senator from Montana [Mr. BURNS] were added as cosponsors of S. Con. Res. 35, a concurrent resolution to express the sense of the Congress with respect to certain regulations of the Occupational Safety and Health Administration.

SENATE RESOLUTION 170

At the request of Mr. CHAFEE, the names of the Senator from Tennessee [Mr. SASSER], the Senator from South Dakota [Mr. PRESSLER], the Senator from North Dakota [Mr. DORGAN], and the Senator from New Jersey [Mr. BRADLEY] were added as cosponsors of S. Res. 170, a resolution to express the sense of the Senate that obstetrician-gynecologists should be included as primary care providers for women in Federal laws relating to the provision of health care.

AMENDMENT NO. 1368

At the request of Mr. DANFORTH, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of amendment No. 1368 proposed to S. 1150, an original bill to improve learning and teaching by providing a national framework for education reform; to promote the research, consensus building, and systemic changes needed to ensure equitable educational opportunities and high levels of educational achievement for all American students; to provide a framework for reauthor-

ization of all Federal education programs; to promote the development and adoption of a voluntary national system of skill standards and certifications; and for other purposes.

AMENDMENTS SUBMITTED

GOALS 2000: EDUCATE AMERICA ACT

HATFIELD (AND OTHERS) AMENDMENT NO. 1377

Mr. HATFIELD (for himself, Mr. DURENBERGER, Mr. PELL, Mr. JEFFORDS, Mr. COHEN, and Mr. GRAHAM) proposed an amendment to the bill to improve learning and teaching by providing a national framework for education reform; to promote the research, consensus building, and systemic changes needed to ensure equitable educational opportunities and high levels of educational achievement for all American students; to provide a framework for reauthorization of all Federal education programs; as follows:

At the end of section 311, insert the following:

(e) FLEXIBILITY DEMONSTRATION.—

(1) SHORT TITLE.—This subsection may be cited as the "Education Flexibility Partnership Demonstration Act".

(2) PROGRAM AUTHORIZED.—

(A) IN GENERAL.—The Secretary shall carry out an education flexibility demonstration program under which the Secretary authorizes not more than 6 eligible States to waive any statutory or regulatory requirement applicable to any program or Act described in subsection (b), other than requirements described in subsection (c), for such eligible State or any local educational agency or school within such State.

(B) AWARD RULE.—In carrying out subparagraph (A), the Secretary shall select for participation in the demonstration program described in subparagraph (A) three eligible States that each have a population of 3,500,000 or greater and three eligible States that each have a population of less than 3,500,000, determined in accordance with the most recent decennial census of the population performed by the Bureau of the Census.

(C) DESIGNATION.—Each eligible State participating in the demonstration program described in subparagraph (A) shall be known as an "Ed-Flex Partnership State".

(3) ELIGIBLE STATE.—For the purpose of this subsection the term "eligible State" means a State that—

(A) has developed a State improvement plan under section 306 that is approved by the Secretary; and

(B) waives State statutory or regulatory requirements relating to education while holding local educational agencies or schools within the State that are affected by such waivers accountable for the performance of the students who are affected by such waivers.

(4) STATE APPLICATION.—(A) Each eligible State desiring to participate in the education flexibility demonstration program under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. Each such application shall demonstrate that the eligible State has adopted an educational flexibility plan for such State that includes—

(i) a description of the process the eligible State will use to evaluate applications from local educational agencies or schools requesting waivers of—

(I) Federal statutory or regulatory requirements described in paragraph (2)(A); and

(II) State statutory or regulatory requirements relating to education; and

(ii) a detailed description of the State statutory and regulatory requirements relating to education that the eligible State will waive.

(B) The Secretary may approve an application described in subparagraph (A) only if the Secretary determines that such application demonstrates substantial promise of assisting the eligible State and affected local educational agencies and schools within such State in carrying out comprehensive educational reform and otherwise meeting the purposes of this Act, after considering—

(i) the comprehensiveness and quality of the educational flexibility plan described in subparagraph (A);

(ii) the ability of such plan to ensure accountability for the activities and goals described in such plan;

(iii) the significance of the State statutory or regulatory requirements relating to education that will be waived; and

(iv) the quality of the eligible State's process for approving applications for waivers of Federal statutory or regulatory requirements described in paragraph (2)(A) and for monitoring and evaluating the results of such waivers.

(5) LOCAL APPLICATION.—(A) Each local educational agency or school requesting a waiver of a Federal statutory or regulatory requirement described in paragraph (2)(A) and any relevant State statutory or regulatory requirement from an eligible State shall submit an application to such State at such time, in such manner, and containing such information as such State may reasonably require. Each such application shall—

(i) indicate each Federal program affected and the statutory or regulatory requirement that will be waived;

(ii) describe the purposes and overall expected outcomes of waiving each such requirement;

(iii) describe for each school year specific, measurable, educational goals for each local educational agency or school affected by the proposed waiver; and

(iv) explain why the waiver will assist the local educational agency or school in reaching such goals.

(B) An eligible State shall evaluate an application submitted under subparagraph (A) in accordance with the State's educational flexibility plan described in paragraph (4)(A).

(C) An eligible State shall not approve an application for a waiver under this paragraph unless—

(i) the local educational agency or school requesting such waiver has developed a local reform plan that is applicable to such agency or school, respectively; and

(ii) the waiver of Federal statutory or regulatory requirements described in paragraph (2)(A) will assist the local educational agency or school in reaching its educational goals.

(6) MONITORING.—Each eligible State participating in the demonstration program under this subsection shall annually monitor the activities of local educational agencies and schools receiving waivers under this subsection and shall submit an annual report regarding such monitoring to the Secretary.

(7) DURATION OF FEDERAL WAIVERS.—(A) The Secretary shall not approve the application of an eligible State under paragraph (4) for a period exceeding 5 years, except that the Secretary may extend such period if the Secretary determines that the eligible State's authority to grant waivers has been effective in enabling such State or affected local educational agencies or schools to carry out their local reform plans.

(B) The Secretary shall periodically review the performance of any eligible State granting waivers of Federal statutory or regulatory requirements described in paragraph (2)(A) and shall terminate such State's authority to grant such waivers if the Secretary determines, after notice and opportunity for hearing, that such State's performance has been inadequate to justify continuation of such authority.

DODD (AND OTHERS) AMENDMENT NO. 1378

Mr. DODD (for himself, Mr. KENNEDY, Mr. JEFFORDS, Mr. PELL, Mr. COCHRAN, Mr. METZENBAUM, Mr. SIMON, Mr. WOFFORD, Mr. WELLSTONE, Ms. MIKULSKI, Mr. GLENN, Mr. LIEBERMAN, Mr. DECONCINI, Mr. LAUTENBERG, Mr. BRADLEY, and Mr. CHAFEE) proposed an amendment to the bill S. 1150, supra; as follows:

At the end of the bill, insert the following new title:

TITLE ___—SAFE SCHOOLS

SEC. ___01. SHORT TITLE; STATEMENT OF PURPOSE.

(a) SHORT TITLE.—This title may be cited as the "Safe Schools Act of 1993".

(b) STATEMENT OF PURPOSE.—It is the purpose of this title to help local school systems achieve Goal Six of the National Education Goals, which provides that by the year 2000, every school in America will be free of drugs and violence and will offer a disciplined environment conducive to learning, by ensuring that all schools are safe and free of violence.

SEC. ___02. SAFE SCHOOLS PROGRAM AUTHORIZED.

(a) AUTHORITY.—

(1) IN GENERAL.—From funds appropriated pursuant to the authority of subsection (b)(1), the Secretary shall make competitive grants to eligible local educational agencies to enable such agencies to carry out projects and activities designed to achieve Goal Six of the National Education Goals by helping to ensure that all schools are safe and free of violence.

(2) GRANT DURATION AND AMOUNT.—Grants under this title may not exceed—

(A) two fiscal years in duration, except that the Secretary shall not award any new grants in fiscal year 1996 but may make payments pursuant to a 2-year grant which terminates in such fiscal year; and

(B) $3,000,000 in any fiscal year.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated $75,000,000 for fiscal year 1994, $100,000,000 for fiscal year 1995, and such sums as may be necessary for fiscal year 1996, to carry out this title.

(2) RESERVATION.—The Secretary is authorized in each fiscal year to reserve not more than 10 percent of the amount appropriated pursuant to the authority of paragraph (1) to

carry out national leadership activities described in section ___06, of which 50 percent of such amount shall be available in such fiscal year to carry out the program described in section ___06(b).

SEC. ___03. ELIGIBLE APPLICANTS.

(a) IN GENERAL.—To be eligible to receive a grant under this title, a local educational agency shall demonstrate in the application submitted pursuant to section ___04(a) that such agency—

(1) serves an area in which there is a high rate of—

(A) homicides committed by persons between the ages 5 to 18, inclusive;

(B) referrals of youth to juvenile court;

(C) youth under the supervision of the courts;

(D) expulsions and suspension of students from school;

(E) referrals of youth, for disciplinary reasons, to alternative schools; or

(F) victimization of youth by violence, crime, or other forms of abuse; and

(2) has serious school crime, violence, and discipline problems, as indicated by other appropriate data.

(b) PRIORITY.—In awarding grants under this title, the Secretary shall give priority to a local educational agency that—

(1) receives assistance under section 1006 of the Elementary and Secondary Education Act of 1965 or meets the criteria described in clauses (i) and (ii) of section 1006(a)(1)(A) of such Act; and

(2) submits an application that assures a strong local commitment to the projects or activities assisted under this title, such as—

(A) the formation of partnerships among the local educational agency, a community-based organization, a nonprofit organization with a demonstrated commitment to or expertise in developing education programs or providing educational services to students or the public, a local law enforcement agency, or any combination thereof; and

(B) a high level of youth participation in such projects or activities.

(c) DEFINITIONS.—For the purpose of this title—

(1) the term "local educational agency" has the same meaning given to such term in section 1471(12) of the Elementary and Secondary Education Act of 1965; and

(2) the term "Secretary" means the Secretary of Education.

SEC. ___04. APPLICATIONS AND PLANS.

(a) APPLICATION.—In order to receive a grant under this title, a local educational agency shall submit to the Secretary an application that includes—

(1) an assessment of the current violence and crime problems in the schools and community to be served by the grant;

(2) an assurance that the applicant has written policies regarding school safety, student discipline, and the appropriate handling of violent or disruptive acts;

(3) a description of the schools and communities to be served by the grant, the projects and activities to be carried out with grant funds, and how these projects and activities will help to reduce the current violence and crime problems in such schools and communities;

(4) if the local educational agency receives funds under Goals 2000: Educate America Act, an explanation of how projects and activities assisted under this title will be coordinated with and support such agency's comprehensive local improvement plan prepared under that Act;

(5) the applicant's plan to establish school-level advisory committees, which include faculty, parents, staff, and students, for each school to be served by the grant and a description of how each committee will assist in assessing that school's violence and discipline problems as well as in designing appropriate programs, policies, and practices to address those problems;

(6) the applicant's plan for collecting baseline and future data, by individual schools, to monitor violence and discipline problems and to measure such applicant's progress in achieving the purpose of this title;

(7) an assurance that grant funds under this title will be used to supplement and not to supplant State and local funds that would, in the absence of funds under this title, be made available by the applicant for the purpose of this title;

(8) an assurance that the applicant will cooperate with, and provide assistance to, the Secretary in gathering statistics and other data the Secretary determines are necessary to assess the effectiveness of projects and activities assisted under this title or the extent of school violence and discipline problems throughout the Nation;

(9) an assurance that the local educational agency has a written policy that prohibits sexual contact between school personnel and a student; and

(10) such other information as the Secretary may require.

(b) PLAN.—In order to receive funds under this title for a second year, a grantee shall submit to the Secretary a comprehensive, long-term, school safety plan for reducing and preventing school violence and discipline problems. Such plan shall contain—

(1) a description of how the grantee will coordinate its school crime and violence prevention efforts with education, law-enforcement, judicial, health, social service, and other appropriate agencies and organizations serving the community; and

(2) in the case that the grantee receives funds under the Goals 2000: Educate America Act, an explanation of how the grantee's comprehensive plan under this subsection is consistent with and supports its comprehensive local improvement plan prepared under that Act, if such explanation differs from that provided in the grantee's application under that Act.

SEC. ___05. USE OF FUNDS.

(a) USE OF FUNDS.—

(1) IN GENERAL.—A local educational agency shall use grant funds received under this title for one or more of the following activities:

(A) Identifying and assessing school violence and discipline problems, including coordinating needs assessment activities and education, law-enforcement, judicial, health, social service, and other appropriate agencies and organizations.

(B) Conducting school safety reviews or violence prevention reviews of programs, policies, practices, and facilities to determine what changes are needed to reduce or prevent violence and promote safety and discipline.

(C) Planning for comprehensive, long-term strategies for addressing and preventing school violence and discipline problems through the involvement and coordination of school programs with other education, law-enforcement, judicial, health, social service, and other appropriate agencies and organizations.

(D) Training school personnel in programs of demonstrated effectiveness in addressing violence, including violence prevention, conflict resolution, anger management, peer mediation, and identification of high-risk youth.

(E) Community education programs, including video- and technology-based projects, informing parents, businesses, local government, the media and other appropriate entities about—

(i) the local educational agency's plan to promote school safety and reduce and prevent school violence and discipline problems; and

(ii) the need for community support.

(F) Coordination of school-based activities designed to promote school safety and reduce or prevent school violence and discipline problems with related efforts of education, law-enforcement, judicial, health, social service, and other appropriate agencies and organizations.

(G) Developing and implementing violence prevention activities, including—

(i) conflict resolution and social skills development for students, teachers, aides, other school personnel, and parents;

(ii) disciplinary alternatives to expulsion and suspension of students who exhibit violent or anti-social behavior;

(iii) student-led activities such as peer mediation, peer counseling, and student courts; or

(iv) alternative after-school programs that provide safe havens for students, which may include cultural, recreational, and educational and instructional activities.

(H) Educating students and parents regarding the dangers of guns and other weapons and the consequences of their use.

(I) Developing and implementing innovative curricula to prevent violence in schools and training staff how to stop disruptive or violent behavior if such behavior occurs.

(J) Supporting "safe zones of passage" for students between home and school through such measures as Drug- and Weapon-Free School Zones, enhanced law enforcement, and neighborhood patrols.

(K) Counseling programs for victims and witnesses of school violence and crime.

(L) Minor remodeling to promote security and reduce the risk of violence, such as removing lockers, installing better lights, and upgrading locks.

(M) Acquiring and installing metal detectors and hiring security personnel.

(N) Reimbursing law enforcement authorities for their personnel who participate in school violence prevention activities.

(O) Evaluating projects and activities assisted under this title.

(P) The cost of administering projects or activities assisted under this title.

(Q) Other projects or activities that meet the purpose of this title.

(2) LIMITATION.—A local educational agency may use not more than—

(A) a total of 10 percent of grant funds received under this title in each fiscal year for activities described in subparagraphs (J), (L), (M), and (N) of paragraph (1); and

(B) 5 percent of grant funds received under this title in each fiscal year for activities described in subparagraph (P) of paragraph (1).

(3) PROHIBITION.—A local educational agency may not use grant funds received under this title for construction.

SEC. ___06. NATIONAL LEADERSHIP.

(a) IN GENERAL.—To carry out the purpose of this title, the Secretary is authorized to use funds reserved under section ___02(b)(2) to conduct national leadership activities such as research, program development and evaluation, data collection, public awareness activities, training and technical assistance, dissemination (through appropriate research entities assisted by the Department of Education) of information on successful projects,

activities, and strategies developed pursuant to this title, and peer review of applications under this title. The Secretary may carry out such activities directly, through interagency agreements, or through grants, contracts or cooperative agreements.

(b) NATIONAL MODEL CITY.—The Secretary shall designate the District of Columbia as a national model city and shall provide funds made available pursuant to section ___02(b)(2) in each fiscal year to a local educational agency serving the District of Columbia in an amount sufficient to enable such agency to carry out a comprehensive program to address school and youth violence.

SEC. ___07. NATIONAL COOPERATIVE EDUCATION STATISTICS SYSTEM.

Subparagraph (A) of section 406(h)(2) of the General Education Provisions Act (20 U.S.C. 1221e-1(h)(2)(A)) is amended—

(1) in clause (vi), by striking "and" after the semicolon; and

(2) by adding after clause (vii) the following new clause:

"(viii) school safety policy, and statistics on the incidents of school violence; and".

SEC. ___08. COORDINATION OF FEDERAL ASSISTANCE.

The Attorney General, through the Coordinating Council on Juvenile Justice and Delinquency Prevention of the Department of Justice, shall coordinate the programs and activities carried out under this Act with the programs and activities carried out by the departments and offices represented within the Council that provide assistance under other law for purposes that are similar to the purpose of this Act, in order to avoid redundancy and coordinate Federal assistance, research, and programs for youth violence prevention.

SEC. ___09. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect on the date of enactment of this Act.

MOSELEY-BRAUN (AND OTHERS) AMENDMENT NO. 1379

Ms. MOSELEY-BRAUN (for herself, Mr. LAUTENBERG, Mr. CAMPBELL, and Mr. ROBB) proposed an amendment to amendment No. 1378 proposed by Mr. DODD to the bill S. 1150, supra; as follows:

At the end of the amendment, insert the following:

TITLE ___—MIDNIGHT BASKETBALL LEAGUE TRAINING AND PARTNERSHIP

SEC. ___01. SHORT TITLE.

This title may be cited as the "Midnight Basketball League Training and Partnership Act".

SEC. ___02. GRANTS FOR MIDNIGHT BASKETBALL LEAGUE TRAINING AND PARTNERSHIP PROGRAMS.

Section 520 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 11903a) is amended—

(1) in the section heading by inserting "**and assisted**" after "**public**";

(2) in the subsection heading for subsection (a), by inserting "PUBLIC HOUSING" before "YOUTH"; and

(3) by adding at the end the following new subsection:

"(l) MIDNIGHT BASKETBALL LEAGUE TRAINING AND PARTNERSHIP PROGRAMS.—

"(1) AUTHORITY.—The Secretary of Housing and Urban Development shall make grants, to the extent that amounts are approved in appropriations Acts under paragraph (13), to—

"(A) eligible entities to assist such entities in carrying out midnight basketball league programs meeting the requirements of paragraph (4); and

"(B) eligible advisory entities to provide technical assistance to eligible entities in establishing and operating such midnight basketball league programs.

"(2) ELIGIBLE ENTITIES.—

"(A) IN GENERAL.—Subject to subparagraph (B), grants under paragraph (1)(A) may be made only to the following eligible entities:

"(i) Entities eligible under subsection (b) for a grant under subsection (a).

"(ii) Nonprofit organizations providing employment counseling, job training, or other educational services.

"(iii) Nonprofit organizations providing federally assisted low-income housing.

"(B) PROHIBITION ON SECOND GRANTS.—A grant under paragraph (1)(A) may not be made to an eligible entity if the entity has previously received a grant under such paragraph, except that the Secretary may exempt an eligible advisory entity from the prohibition under this subparagraph in extraordinary circumstances.

"(3) USE OF GRANT AMOUNTS.—Any eligible entity that receives a grant under paragraph (1)(A) may use such amounts only—

"(A) to establish or carry out a midnight basketball league program under paragraph (4);

"(B) for salaries for administrators and staff of the program;

"(C) for other administrative costs of the program, except that not more than 5 percent of the grant amount may be used for such administrative costs; and

"(D) for costs of training and assistance provided under paragraph (4)(I).

"(4) PROGRAM REQUIREMENTS.—Each eligible entity receiving a grant under paragraph (1)(A) shall establish a midnight basketball league program as follows:

"(A) The program shall establish a basketball league of not less than 8 teams having 10 players each.

"(B) Not less than 50 percent of the players in the basketball league shall be residents of federally assisted low-income housing or members of low-income families (as such term is defined in section 3(b) of the United States Housing Act of 1937).

"(C) The program shall be designed to serve primarily youths and young adults from a neighborhood or community whose population has not less than 2 of the following characteristics (in comparison with national averages):

"(i) A substantial problem regarding use or sale of illegal drugs.

"(ii) A high incidence of crimes committed by youths or young adults.

"(iii) A high incidence of persons infected with the human immunodeficiency virus or sexually transmitted diseases.

"(iv) A high incidence of pregnancy or a high birth rate, among adolescents.

"(v) A high unemployment rate for youths and young adults.

"(vi) A high rate of high school drop-outs.

"(D) The program shall require each player in the league to attend employment counseling, job training, and other educational classes provided under the program, which shall be held immediately following the conclusion of league basketball games at or near the site of the games and at other specified times.

"(E) The program shall serve only youths and young adults who demonstrate a need for such counseling, training, and education provided by the program, in accordance with criteria for demonstrating need, which shall be established by the Secretary, in consultation with the Advisory Committee.

"(F) The majority of the basketball games of the league shall be held between the hours of 10:00 p.m. and 2:00 a.m. at a location in the neighborhood or community served by the program.

"(G) The program shall obtain sponsors for each team in the basketball league. Sponsors shall be private individuals or businesses in the neighborhood or community served by the program who make financial contributions to the program and participate in or supplement the employment, job training, and educational services provided to the players under the program with additional training or educational opportunities.

"(H) The program shall comply with any criteria established by the Secretary, in consultation with the Advisory Committee established under paragraph (9).

"(I) Administrators or organizers of the program shall receive training and technical assistance provided by eligible advisory entities receiving grants under paragraph (8).

"(5) GRANT AMOUNT LIMITATIONS.—

"(A) PRIVATE CONTRIBUTIONS.—The Secretary may not make a grant under paragraph (1)(A) to an eligible entity that applies for a grant under paragraph (6) unless the applicant entity certifies to the Secretary that the entity will supplement the grant amounts with amounts of funds from non-Federal sources, as follows:

"(i) In each of the first 2 years that amounts from the grant are disbursed (under subparagraph (E)), an amount sufficient to provide not less than 35 percent of the cost of carrying out the midnight basketball league program.

"(ii) In each of the last 3 years that amounts from the grant are disbursed, an amount sufficient to provide not less than 50 percent of the cost of carrying out the midnight basketball league program.

"(B) NON-FEDERAL FUNDS.—For purposes of this paragraph, the term 'funds from non-Federal sources' includes amounts from nonprofit organizations, public housing agencies, States, units of general local government, and Indian housing authorities, private contributions, any salary paid to staff (other than from grant amounts under paragraph (1)(A)) to carry out the program of the eligible entity, in-kind contributions to carry out the program (as determined by the Secretary after consultation with the Advisory Committee), the value of any donated material, equipment, or building, the value of any lease on a building, the value of any utilities provided, and the value of any time and services contributed by volunteers to carry out the program of the eligible entity.

"(C) PROHIBITION ON SUBSTITUTION OF FUNDS.—Grant amounts under paragraph (1)(A) and amounts provided by States and units of general local government to supplement grant amounts may not be used to replace other public funds previously used, or designated for use, under this section.

"(D) MAXIMUM AND MINIMUM GRANT AMOUNTS.—

"(i) IN GENERAL.—The Secretary may not make a grant under paragraph (1)(A) to any single eligible entity in an amount less than $55,000 or exceeding $130,000, except as provided in clause (ii).

"(ii) EXCEPTION FOR LARGE LEAGUES.—In the case of a league having more than 80 players, a grant under paragraph (1)(A) may exceed $130,000, but may not exceed the

amount equal to 35 percent of the cost of carrying out the midnight basketball league program.

"(E) DISBURSEMENT.—Amounts provided under a grant under paragraph (1)(A) shall be disbursed to the eligible entity receiving the grant over the 5-year period beginning on the date that the entity is selected to receive the grant, as follows:

"(i) In each of the first 2 years of such 5-year period, 23 percent of the total grant amount shall be disbursed to the entity.

"(ii) In each of the last 3 years of such 5-year period, 18 percent of the total grant amount shall be disbursed to the entity.

"(6) APPLICATIONS.—To be eligible to receive a grant under paragraph (1)(A), an eligible entity shall submit to the Secretary an application in the form and manner required by the Secretary (after consultation with the Advisory Committee), which shall include—

"(A) a description of the midnight basketball league program to be carried out by the entity, including a description of the employment counseling, job training, and other educational services to be provided;

"(B) letters of agreement from service providers to provide training and counseling services required under paragraph (4) and a description of such service providers;

"(C) letters of agreement providing for facilities for basketball games and counseling, training, and educational services required under paragraph (4) and a description of the facilities;

"(D) a list of persons and businesses from the community served by the program who have expressed interest in sponsoring, or have made commitments to sponsor, a team in the midnight basketball league; and

"(E) evidence that the neighborhood or community served by the program meets the requirements of paragraph (4)(C).

"(7) SELECTION.—The Secretary, in consultation with the Advisory Committee, shall select eligible entities that have submitted applications under paragraph (6) to receive grants under paragraph (1)(A). The Secretary, in consultation with the Advisory Committee, shall establish criteria for selection of applicants to receive such grants. The criteria shall include a preference for selection of eligible entities carrying out midnight basketball league programs in suburban and rural areas.

"(8) TECHNICAL ASSISTANCE GRANTS.—Technical assistance grants under paragraph (1)(B) shall be made as follows:

"(A) ELIGIBLE ADVISORY ENTITIES.—Technical assistance grants may be made only to entities that—

"(i) are experienced and have expertise in establishing, operating, or administering successful and effective programs for midnight basketball and employment, job training, and educational services similar to the programs under paragraph (4); and

"(ii) have provided technical assistance to other entities regarding establishment and operation of such programs.

"(B) USE.—Amounts received under technical assistance grants shall be used to establish centers for providing technical assistance to entities receiving grants under paragraph (1)(A) of this subsection and subsection (a) regarding establishment, operation, and administration of effective and successful midnight basketball league programs under this subsection and subsection (c)(3).

"(C) NUMBER AND AMOUNT.—To the extent that amounts are provided in appropriations Acts under paragraph (13)(B) in each fiscal year, the Secretary shall make technical assistance grants under paragraph (1)(B). In each fiscal year that such amounts are available the Secretary shall make 4 such grants, as follows:

"(i) 2 grants shall be made to eligible advisory entities for development of midnight basketball league programs in public housing projects.

"(ii) 2 grants shall be made to eligible advisory entities for development of midnight basketball league programs in suburban or rural areas.

Each grant shall be in an amount not exceeding $25,000.

"(9) ADVISORY COMMITTEE.—The Secretary of Housing and Urban Development shall appoint an Advisory Committee to assist the Secretary in providing grants under this subsection. The Advisory Committee shall be composed of not more than 7 members, as follows:

"(A) Not less than 2 individuals who are involved in managing or administering midnight basketball programs that the Secretary determines have been successful and effective. Such individuals may not be involved in a program assisted under this subsection or a member or employee of an eligible advisory entity that receives a technical assistance grant under paragraph (1)(B).

"(B) A representative of the Center for Substance Abuse Prevention of the Public Health Service, Department of Health and Human Services, who is involved in administering the grant program for prevention, treatment, and rehabilitation model projects for high risk youth under section 509A of the Public Health Service Act (42 U.S.C. 290aa-8), who shall be selected by the Secretary of Health and Human Services.

"(C) A representative of the Department of Education, who shall be selected by the Secretary of Education.

"(D) A representative of the Department of Health and Human Services, who shall be selected by the Secretary of Health and Human Services from among officers and employees of the Department involved in issues relating to high-risk youth.

"(10) REPORTS.—The Secretary shall require each eligible entity receiving a grant under paragraph (1)(A) and each eligible advisory entity receiving a grant under paragraph (1)(B) to submit to the Secretary, for each year in which grant amounts are received by the entity, a report describing the activities carried out with such amounts.

"(11) STUDY.—To the extent amounts are provided under appropriation Acts pursuant to paragraph (13)(C), the Secretary shall make a grant to one entity qualified to carry out a study under this paragraph. The entity shall use such grant amounts to carry out a scientific study of the effectiveness of midnight basketball league programs under paragraph (4) of eligible entities receiving grants under paragraph (1)(A). The Secretary shall require such entity to submit a report describing the study and any conclusions and recommendations resulting from the study to the Congress and the Secretary not later than the expiration of the 2-year period beginning on the date that the grant under this paragraph is made.

"(12) DEFINITIONS.—For purposes of this subsection:

"(A) The term 'Advisory Committee' means the Advisory Committee established under paragraph (9).

"(B) The term 'eligible advisory entity' means an entity meeting the requirements under paragraph (8)(A).

"(C) The term 'eligible entity' means an entity described under paragraph (2)(A).

"(D) The term 'federally assisted low-income housing' has the meaning given the term in section 5126 of the Public and Assisted Housing Drug Elimination Act of 1990.

"(13) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

"(A) for grants under paragraph (1)(A), $2,650,000 in each of fiscal years 1994 and 1995;

"(B) for technical assistance grants under paragraph (1)(B), $100,000 in each of fiscal years 1994 and 1995; and

"(C) for a study grant under paragraph (11), $250,000 in fiscal year 1994.".

SEC. ___03. PUBLIC HOUSING MIDNIGHT BASKETBALL LEAGUE PROGRAMS.

Section 520(c) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C 11903a(c)) is amended by adding at the end the following new paragraph:

"(3) MIDNIGHT BASKETBALL LEAGUE PROGRAMS.—Notwithstanding any other provision of this subsection and subsection (d), a grant under this section may be used to carry out any youth sports program that meets the requirements of a midnight basketball league program under subsection (l)(4) (not including subparagraph (B) of such subsection) if the program serves primarily youths and young adults from the public housing project in which the program assisted by the grant is operated.".

COCHRAN AMENDMENT NO. 1380

Mr. COCHRAN proposed an amendment to amendment No. 1378 proposed by Mr. DODD to the bill S. 1150, supra; as follows:

On page 15, after line 3, insert the following:

PART B—STATE LEADERSHIP ACTIVITIES TO PROMOTE SAFE SCHOOLS

SEC. 21. STATE LEADERSHIP ACTIVITIES TO PROMOTE SAFE SCHOOLS PROGRAM.

(a) SHORT TITLE.—This section may be cited as the "State Leadership Activities to Promote Safe Schools Act".

(b) AUTHORITY.—The Secretary is authorized to award grants to State educational agencies from allocations under subsection (c) to enable such agencies to carry out the authorized activities described in subsection (e).

(c) ALLOCATION.—Each State educational agency having an application approved under subsection (d) shall be eligible to receive a grant under this section for each fiscal year that bears the same ratio to the amount appropriated pursuant to the authority of subsection (f) for such year as the amount such State educational agency receives pursuant to section 1006 of the Elementary and Secondary Education Act of 1965 for such year bears to the total amount allocated to all such agencies in all States having applications approved under subsection (d) for such year, except that no State educational agency having an application approved under subsection (d) in any fiscal year shall receive less than $100,000 for such year.

(d) APPLICATION.—Each State educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner and containing such information as the Secretary may reasonably require. Each such application shall—

(1) describe the activities and services for which assistance is sought;

(2) contain a statement of the State educational agency's goals and objective for violence prevention and a description of the

procedures to be used for assessing and publicly reporting progress toward meeting those goals and objectives; and

(3) contain a description of how the State educational agency will coordinate such agency's activities under this section with the violence prevention efforts of other State agencies.

(3) USE OF FUNDS.—Grant funds awarded under this section shall be used—

(1) to support a statewide resource coordinator;

(2) to provide technical assistance to both rural and urban local school districts;

(3) to disseminate to local educational agencies and schools information on successful school violence prevention programs funded through Federal, State, local and private sources;

(4) to make available to local educational agencies teacher training and parent and student awareness programs, which training and programs may be provided through video or other telecommunications approaches;

(5) to supplement and not supplant other Federal, State and local funds available to carry out the activities assisted under this section; and

(6) for other activities the Secretary may deem appropriate.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for each of the fiscal years 1995 and 1996 to carry out this section.

On page 2, between lines 1 and 2, insert the following:

PART A—SCHOOLS PROGRAM

On page 2, line 3, strike "title" and insert "part".

On page 2, line 6, strike "title" and insert "part".

On page 2, line 23, strike "title" and insert "part".

On page 3, line 10, strike "title" and insert "part".

On page 3, line 21, strike "title" and insert "part".

On page 4, line 15, strike "title" and insert "part".

On page 4, line 24, strike "title" and insert "part".

On page 5, line 11, strike "title" and insert "part".

On page 5, line 20, strike "title" and insert "part".

On page 6, line 14, strike "title" and insert "part".

On page 7, line 5, strike "title" and insert "part".

On page 7, line 7, strike "title" and insert "part".

On page 7, line 9, strike "title" and insert "part".

On page 7, line 10, strike "title" and insert "part".

On page 7, line 15, strike "title" and insert "part".

On page 7, line 23, strike "title" and insert "part".

On page 8, line 18, strike "title" and insert "part".

On page 11, line 25, strike "title" and insert "part".

On page 12, line 2, strike "title" and insert "part".

On page 12, line 4, strike "title" and insert "part".

On page 12, line 8, strike "title" and insert "part".

On page 12, line 12, strike "title" and insert "part".

On page 12, line 16, strike "title" and insert "part".

On page 12, line 20, strike "title" and insert "part".

On page 13, line 2, strike "title" and insert "part".

On page 13, line 3, strike "title" and insert "part".

On page 15, line 2, strike "title" each place such term appears and insert "part".

SIMPSON (AND DODD) AMENDMENT NO. 1381

Mr. JEFFORDS (for Mr. SIMPSON for himself and Mr. DODD) proposed an amendment to amendment No. 1378 proposed by Mr. DODD to the bill S. 1150, supra; as follows:

On page 3, between lines 4 and 5, insert the following:

(3) GEOGRAPHIC DISTRIBUTION.—To the extent practicable, grants under this title shall be awarded to eligible local educational agencies serving rural, as well as urban, areas.

HELMS (AND LOTT) AMENDMENT NO. 1382

Mr. HELMS (for himself and Mr. LOTT) proposed an amendment to the bill S. 1150, supra; as follows:

At the appropriate place, add the following:

"No funds made available through the Department of Education under this Act, or any other Act, shall be available to any state or local educational agency which has a policy of denying, or which effectively prevents participation in, prayer in public schools by individuals on a voluntary basis. Neither the United States nor any state nor any local educational agency shall require any person to participate in prayer or influence the form or content of any prayer in such public schools.".

DANFORTH (AND OTHERS) AMENDMENT NO. 1383

Mr. DANFORTH (for himself, Mrs. KASSEBAUM, and Mr. CHAFEE) proposed an amendment to the bill S. 1150, supra; as follows:

At an appropriate place, insert the following:

It is the sense of the Senate that local educational agencies should encourage 2 brief periods of daily silence for students for the purpose of contemplating their aspirations; for considering what they hope and plan to accomplish that day; for considering how their own actions of that day will effect themselves and others around them, including their schoolmates, friends and families; for drawing strength from whatever personal, moral or religious beliefs or positive values they hold; and for such other introspection and reflection as will help them develop and prepare them for achieving the goals of this bill.

SPECTER (AND DOLE) AMENDMENT NO. 1384

Mr. SPECTER (for himself and Mr. DOLE) proposed an amendment to the bill S. 1150, supra; as follows:

On page 66, line 23, strike "; and" and insert "; and" and insert a semicolon.

On page 67, line 2, strike the period and insert "; and".

On page 67, between lines 2 and 3, insert the following:

(15) quality education management services are being utilized by local educational agencies and schools through contractual agreements between local educational agencies or schools and such businesses.

On page 90, line 10, strike "and".

On page 90, between lines 10 and 11, insert the following:

(I) supporting activities relating to the planning of, start-up costs associated with, and evaluation of, projects under which local educational agencies or schools contract with private management organizations to reform a school;

On page 90, line 11, strike "(I)" and insert "(J)".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. RIEGLE. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to conduct a hearing on Trade and the Environment on February 3, 1994, beginning at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. RIEGLE. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet today at 10 a.m. to hear testimony on the subject of the State's perspectives on health care.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. RIEGLE. Mr. President, I ask unanimous consent that the Foreign Relations Committee be permitted to meet during the session of the Senate on Thursday, February 3, 1994, for a hearing on the confirmation of James Scheuer to be U.S. Director of the European Bank for Reconstruction and Development.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. RIEGLE. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be permitted to meet during the session of the Senate on Thursday, February 3, 1994, for a hearing on Government reform.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EUROPEAN AFFAIRS

Mr. RIEGLE. Mr. President, I ask unanimous consent that the Subcommittee on European Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, February 3, 1994, at 5 p.m. to receive a CIA briefing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON GOVERNMENT MANAGEMENT

Mr. RIEGLE. Mr. President, I ask unanimous consent that the Governmental Affairs Subcommittee on Gov-

ernment Management be permitted to meet during the session of the Senate on Thursday, February 3, 1994, for a hearing to examine current United States trade negotiations with Japan on auto parts and trade barriers.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. RIEGLE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, February 3, 1994, to hold a hearing on the nomination of Rosemary Barkett, of Florida, to be U.S. Circuit Judge for the Eleventh Circuit.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON MINERAL RESOURCES DEVELOPMENT AND PRODUCTION

Mr. RIEGLE. Mr. President, I ask unanimous consent that the Subcommittee on Mineral Resources Development and Production of the Energy and Natural Resources Committee be permitted to meet during the session of the Senate on Thursday, February 3, 1994, for a hearing on H.R. 2144, a bill to provide for the transfer of excess land to the Government of Guam.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. RIEGLE. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Thursday, February 3, 1994, at 9:30 a.m., to hold a hearing on the provisions regarding the Government Printing Office contained in Title XIV of H.R. 3400, Title XIV of the National Performance Review, and the recommendations relating to printing made by the Senate members of the Joint Committee on the Organization of Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

NATIONAL GIRLS AND WOMEN IN SPORTS DAY

• Mr. HARKINS. Mr. President, I rise to recognize this day, February 3, 1994, as National Girls and Women in Sports Day.

In memory of U.S. Olympic volleyball great Flo Hyman, this day was created to bring national attention to the achievements of female athletes and the issues facing them. Hyman worked for equality in women's sports and her spirit is commemorated every year on National Girls and Women in Sports Day.

Today, there will be a variety of activities throughout the State of Iowa to recognize the achievements of women in sports beginning with a proclamation by the Governor honoring girls and women in sports. For example, Briar Cliff College in Sioux City will recognize the accomplishments of the women student athletes at a reception, the University of Northern Iowa will be conducting a week long celebration of National Girls and Women in Sports Day and members of the University of Iowa Women's Intercollegiate Sports Council will speak at elementary schools in Iowa City and will sign autographs in the shopping malls. I am glad to see so many schools Iowa participating to honor their female athletes on this special day.

According to the Iowa Girls High School Athletic Association, an annual survey sponsored by the National Organization for Women reports that Iowa has the largest percentage of young women participating in athletics of any State in the Nation. Interscholastic athletic programs have existed in Iowa schools for girls as long as they have for boys. Softball, golf, tennis, track, cross country, swimming, and volleyball will all celebrate over 25-year anniversaries this year. Let me point out that girls' athletic activities were not mandated by the Federal Government until title IX in 1972. Iowa has been way ahead of the game.

The State of Iowa has officially sponsored girls' athletics in high schools since 1920 when the first State championship in basketball was held. The Iowa Girls High School State Basketball Tournament celebrates its 75th Anniversary this spring. I have had the honor, Mr. President, to attend many of the tournaments to see the best young women in Iowa basketball compete for the State title.

It is important for young girls and women to be involved and push themselves to be the best they can be. Sports activities are an excellent way to break down the barriers which sometimes exclude half our population. Girls receive as many benefits from sports as boys.

For example, Hispanic female athletes in particular are more likely to score well on achievement tests, stay in high school, and attend college than their nonathletic peers. Sports involvement significantly lowers the dropout rate for most minority groups.

I once again congratulate all the women and girls for their contributions to sports. I also applaud the National Association of Girls and Women in Sports for its efforts to recognize the fine achievements of female athletes across the Nation.•

WHY AMERICAN BUSINESSES SHOULD SUPPORT MANAGED COMPETITION

• Mr. DURENBERGER. Mr. President, I ask to place in the RECORD my February 1994 report, "Why American Businesses Should Support Managed Competition." I believe that this report convincingly demonstrates the important role that employers have played in our health care system and will play in the future.

The report follows:

WHY AMERICAN BUSINESSES SHOULD SUPPORT MANAGED COMPETITION

AMERICAN BUSINESS AND HEALTH CARE REFORM

One of the most important things I've learned from watching the Minnesota health care market over the last 20 years is that the role employers play in the health system is absolutely critical. If we want to get higher-quality health care at lower cost, it's essential that we make proper use of this creative, innovative resource.

That's why I applaud President Clinton for preserving an employer-based system in his proposal for reform.

Under the current system, employers voluntarily contribute almost $200 billion each year toward their employees' health care coverage.

By banding together to negotiate with health care providers, many employers have become good, intelligent buyers of health insurance.

In Minnesota, for example, companies like Honeywell, General Mills and others have moved aggressively to contain rising costs while offering quality health care to their employees.

Largely because employers have done a good and responsible job of making health care available, the vast majority of Americans are satisfied with their current health care coverage. The Employee Benefit Research Institute found recently that over three-fourths (77 percent) of Americans rate the quality of their care as either excellent or good, and only four percent say the quality of their care is poor.

BUSINESS HAS A HUGE STAKE IN REFORM

This doesn't mean that the current system is free from problems. It isn't. All employers have a significant stake in reforming America's health care system.

If we do nothing, escalating health care costs will continue to eat into your profits and put U.S. companies at a severe disadvantage in the global marketplace.

The U.S. spends more of its GDP on health care than any other country. Over the past three decades, health care costs have increased at more than twice the rate of total income, rising from 5 percent of GDP in 1960 to 14 percent in 1993.

And we still have 38 million people in the United States of America who are uninsured—and many more who are underinsured.

WHY NOT THE CLINTON PLAN? BECAUSE WE HAVE TO DO IT RIGHT THE FIRST TIME

President Clinton says it will cost us more if we do nothing to reform our nation's health care system, but I believe it will cost us much more if we pass a second-rate plan that is bad for the country and for business. While the Clinton proposal includes many necessary market reforms, it also poses significant risks for American business.

Over-regulation—including government-imposed premium caps, state-by-state budgets, and highly bureaucratized purchasing alliances—will stifle competition and reduce consumer choice.

Employer mandates contained in the Clinton proposal will destroy jobs.

Employers to pay 80 percent of the cost of a basic benefits package for full-time employees, and a pro-rated share of the package

for part-timers based on a 30-hour work week, will create a huge new federal entitlement—cleverly disguised as a guaranteed fringe benefit for workers.

This 80 percent mandate will shift costs to employers unable to bear them. The result will be job losses, particularly in lower-skilled, lower-wage sectors of the economy.

Part-time jobs will virtually disappear from retail stores, restaurants and other service industries because of the relatively cheaper medical costs for full-time employees working the same number of hours.

Price Caps—President Clinton proposes to take some of the sting out of employer mandates by capping the percentage of payroll that individual businesses will be required to pay. However, maintaining these caps will almost certainly require huge taxpayer and employer subsidies.

The size of subsidies needed to maintain spending caps has also cast serious doubt on the overall financial feasibility of the Clinton plan and whether the caps could be maintained.

Spending caps also leave no incentive or reward for those companies working to control costs. If you know your health care costs are going to be capped at 7.9%, what incentive do you have to control costs?

Loss of Control—By empowering state regulators, the Clinton Plan will turn most employers into check-writers, whose sole responsibility is to send in premiums to state-run health alliances.

While companies with more than 5,000 workers may "opt out" of the alliances and operate as their own corporate alliance, they will be subject to a 1% payroll tax.

State Bureacuracies—What President Clinton touts as "state flexibility" will create an administrative nightmare by forcing multi-state employers to negotiate 51 different health care financing and delivery systems.

WHY MANAGED COMPETITION IS BETTER

No two employers view health care reform—or President Clinton's reform proposal—in exactly the same way. Nevertheless, there are common interests and goals that all employers share.

Employers should not be forced to give up control over health benefits, without gaining control over costs.

Companies and corporate alliances that are already aggressively containing costs should be rewarded for their successes.

We should never accept a "reform" that sacrifices jobs for health insurance.

We can't force employers or employees to buy high cost plans. Before we address the coverage problem, we must address the cost problem.

MANAGED COMPETITION ACT MEETS ALL THESE TESTS FOR REFORM

We need a better approach—one that addresses these real economic needs. We need precisely the approach contained in the bipartisan Managed Competition Act, which I have introduced along with Senator John Breaux (D-LA).

The Managed Competition Act would cut health care costs, quickly reduce the number of Americans without health insurance by more than half, preserve consumer choice, and improve the quality of care for all Americans. (A similar bill was introduced in the House by Representatives Jim Cooper, D-TN, and Fred Grandy, R-IA.)

The Managed Competition Act is based on the fact that if we want to get higher quality and lower cost in health care, it is essential to make existing markets work—not replace them with government bureaucracies, expensive mandates, or excessive regulation.

Government regulation may be able to put a lid on health care costs in the short run, but will lead inevitably to lower quality and arbitrary rationing.

The Managed Competition Act will contain costs and speed universal coverage to consumers far more effectively than the government takeover of health care decision-making outlined in President Clinton's reform proposal.

Both the Clinton health care reform proposal and the Managed Competition Act encourage employers to band together in order to increase market power, make better information available to purchasers, and drive down health care costs. But where Clinton loses faith in market principles and turns to price controls and global budgets, the Managed Competition Act relies on pure managed competition.

Unlike the Clinton proposal, the Managed Competition Act contains no employer mandates. Instead, it offers full or partial subsidies for coverage to individuals earning up to 200 percent of the federal poverty level (about $28,000 in Minnesota for a family of four).

We can't have 51 different state health plans if we are going to have true national reform. At the same time, government in Washington doesn't have all the answers. The Managed Competition Act sets up a clear system of national rules, that will allow local markets to work more effectively.

The Managed Competition Act strives to build a partnership between business and government, not an adversarial relationship. Instead of mandating and controlling how the market operates, government should ensure that the market operates efficiently to deliver value to all consumers.

Medical coverage should be a matter of personal responsibility—not a new entitlement. While the Managed Competition Act does strive for universal coverage—by reducing medical costs first—it does not make promises it cannot keep. And it will not require looking to employers for larger tax "contributions" down the road to make up shortages in funding, or to finance a huge new health care entitlement bureaucracy.

NEED MORE INFORMATION?

If you're interested in learning more about The Managed Competition Act, or would like to learn what you can do to support the Breaux-Durenberger bill, please feel free to contact Dean Rosen at (202) 224-3244 or Edward Garvey at (612) 370-3382.●

IN HONOR OF DR. MARTIN LUTHER KING, JR.

● Mr. RIEGLE. Mr. President, on January 17, we celebrated our ninth national holiday honoring the life and work of Dr. Martin Luther King, Jr. In this celebration, we remember and reflect upon Dr. King's commitment and dedication in his fight for equal opportunities for people, regardless of race.

During Dr. King's fight for justice and equality in the 1950's and 1960's, he never cowered in the face of ignorance, intolerance, and bigotry—instead, he challenged it. When Dr. King declared that all people should be judged, "not by the color of their skin, but by the content of their character," he pricked the conscience of an America that had not yet come to terms with her dark history of slavery and oppression. Dr. King knew well that simple words like fairness, integrity, decency and hope, coupled with the power of ordinary citizens, could tear down the barriers and structures which had kept African-Americans at the economic fringes of our society during their hundred years of so-called freedom.

In both his support of civil rights and his opposition to the Vietnam war, Dr. King clearly demonstrated to the world that in our democracy one person can make a difference. Today, as we look around us at the appalling newspaper headlines filled with stories of war, genocide, poverty, hunger, racism, and intolerance across our country and the world, Dr. King's ideas and teachings still ring true—we must not look away and ignore injustices which we have the power to change.

In the years since Dr. King's death, true equality has not been realized in our country, and many of the socio-economic barriers he sought to eliminate still exist today in my home State of Michigan, and in cities and towns across our Nation—everything from employment rates to mortgage loan statistics demonstrate that African-Americans are still denied a level playing field in life. We see widespread racial inequity throughout in our State and Federal judicial systems, increasing incidents of hate crimes, disparate housing opportunities, vastly underfunded minority schools, and the blatant racism that many people of color face when simply applying for a job.

It is essential that we invest in the future of this country. We need to work toward Dr. King's goal that peoples everywhere can have three meals a day for their bodies, education and culture for their minds, and dignity, equality, and freedom for their spirits. We have a unique opportunity to guide the direction of our country into a new millennium, to define our country's character by our actions and by our alliances. The choices we make now, today, will positively affect the young schoolchildren of the year 2000—babies born this year will embark on their first day of grade-school in the new millennium. Who can imagine a greater responsibility than that for all of us here in this Chamber? Whether they are well-fed, safely housed, and emotionally nourished will depend directly on the budget choices we make this year.

Despite all that Dr. King had seen in his life, he had great faith in human nature: He believed that love would conquer hate and that wisdom would conquer ignorance. The strength and compassion of his message still compels us today. As we look forward and face the challenges we will encounter in the year ahead, we should draw inspiration from Dr. King and the legacy of hope that he has left us.●

RECOGNITION OF THE BUSINESS ROUNDTABLE'S SUPPORT FOR S. 1579

• Mr. DURENBERGER. Mr. President, in the last 24 hours a major event occurred that is a turning point in the health care debate. The Business Roundtable, which represents over 200 chief executive officers of America's major corporations, announced its support for S. 1579—the Managed Competition Act. I introduced this bill with my distinguished colleague from Louisiana. The companion bill in the House is H.R. 3222—Cooper-Grandy.

Mr. President, I ask to submit today's coverage from the New York Times, for the RECORD.

Employers play a critical role in the American health care system. Employers voluntarily contribute almost $200 billion a year to the purchase of health care for their employees. More importantly, many employers have moved aggressively to contain rising costs and improve quality by becoming informed purchasers of care. Many of these responsible and creative employers are leaders in the Business Roundtable.

The Roundtable's support for the Managed Competition Act is not an anti-Clinton vote. The Roundtable applauds the President's commitment to reform; so does this Senator and all who are committed to doing health policy reform in 1994. If one looks closely at both bills, you will find that there are many similarities between the approaches.

Both approaches are rooted in what has come to be called managed competition. This concept describes a market-based system of private health insurance competing for patients on the basis of price and quality.

Both approaches retain employers as key players in health care reform.

Where they differ is in the role of government. The business community has recognized that we do not need government controlling and regulating the delivery system. Government's role is to send the right signals to encourage the marketplace. Only markets can produce better product for more people at less cost.

But markets cannot do equity—only government can. We must change tax policy, reform private insurance rules, and restructure our social insurance system. The Managed Competition Act accomplishes these reforms.

The Roundtable characterizes its support for managed competition as a starting point. No bill has all the right answers.

I look forward to the exchange of views that is now beginning in the Finance and the Labor and Human Resources Committees, on both of which I am privileged to serve. I relish the opportunity to work with my colleagues, the administration, and concerned and committed constituents to reform the health care system.

I expect that the American leaders who are the Business Roundtable will make important contributions to that debate and I look forward to working with them on this important issue. With their help, we will do what the President has challenged us to do—find an American solution to an American problem.

The article follows:

POWERFUL BUSINESS GROUP BACKS RIVAL TO PRESIDENT'S HEALTH PLAN—CLINTONS' LOBBYING FAILS TO EASE FINANCIAL FEARS

(By Adam Clymer)

WASHINGTON, February 2.—The Business Roundtable, representing about 200 of the nation's largest companies, struck a blow against President Clinton's health care plan tonight by endorsing a rival proposal sponsored by Representative Jim Cooper that would not guarantee universal insurance coverage.

Despite urgent last-minute lobbying by President Clinton and his wife, Hillary Rodham Clinton, the policy committee of the Roundtable voted to treat Mr. Cooper's bill as a "starting point" for legislation on health insurance. The proposal by Mr. Cooper, a Tennessee Democrat, is the only major health care measure with the support of Democrats and Republicans alike.

John Ong, who is the chairman of the influential Roundtable and the chief executive of the B.F. Goodrich Company, said the policy committee preferred Mr. Cooper's plan because it believed his proposal would foster competition and bring down health care costs.

The White House expressed disappointment over the vote, although the effect on Capitol Hill was uncertain. The vote is bound to help Mr. Cooper, but both his supporters and opponents said it would hardly be decisive in the swirling legislative journey that awaits the health care issue.

Still, Mr. Ong said business was wary of one feature of Mr. Cooper's bill that would deny employers tax deductions for anything beyond the cheapest health insurance.

The Roundtable made it clear that it liked Mr. Cooper's approach of creating cooperatives so small businesses could join in buying insurance, saying this would foster competition. The Clinton Plan does that, too, but brings bigger businesses into alliances as well, and it would set limits on insurance premium increases, a position that the organization opposes.

FOCUS ON COST CONTROLS

Mr. Ong said the Clinton plan had "the potential, if enacted in its current form, to create additional unfunded, off-budget entitlement programs." The plan would create a prescription drug benefit for the elderly under Medicare and some long-term care guarantees.

"It also seeks to control costs, which is a very worthy objective," Mr. Ong said, "but to do that not through harnessing market forces, but rather through Government regulation of the health care industry and what are in effect price controls." The Clinton plan would limit how fast health insurance premiums go up, aiming to reduce increases to no more than the general rate of inflation. Mr. Clinton has said that he would veto any plan that would not provide universal health coverage.

"I am humbled by their support," Mr. Cooper said of the Roundtable decision.

Dee Dee Myers, the White House press secretary, said: "we're disappointed but not surprised. We think it's a mistake, obviously, but they say it's a starting point, and we look forward to a constructive debate about it."

Mr. Ong said the Cooper plan had been approved by "a significant majority" of the committee, "but I won't give you the specific vote."

The Cooper plan would create health insurance purchasing alliances for employers with fewer than 100 workers. Bigger companies would not have to join the alliance but would have to make insurance available. Under the Clinton plan, all employers would be required to pay most of the cost of such insurance.

Mr. Cooper argues that his plan would offer all Americans "access" to insurance and would lead to universal coverage without costing jobs, as he argues Mr. Clinton's plan would.

The Cooper plan is sponsored by 30 other House Democrats and 26 House Republicans, as well as three Democrats and one Republican in the Senate. While three other alternative measures have more supporters, the bipartisan tone of the Cooper corps gives its supporters a tactical advantage beyond their numbers.

The Roundtable brings together chief executives of the nation's largest companies like General Electric, General Mills and General Motors. The head of its Health, Welfare and Retirement Income task force, which drew up the position before it was voted on by the policy committee, is Robert C. Winters, chief executive of Prudential.

The Roundtable, meeting here, would not make Mr. Winters available to reporters. But Mr. Ong said there was no conflict of interest for the insurance executive.

"We try to take a broad view that emphasizes the health of the nation's economy and the overall competitiveness of U.S. industry," he said. "We try to ignore as much as we can the interests of our companies. I don't think there is any merit in supposing that Mr. Winters or anybody else had any bias or prejudice."

Senator John D. Rockefeller 4th, the West Virginia Democrat who has been the Administration's chief liaison with business on the health care issue, took a different view. He said the most active members of the task force came from the insurance and drug industries.

"They don't want the people to get insurance at a better price," he said. "I think business did themselves a disservice in this. I think they let their peers in the insurance industry snooker them."

Mr. Rockefeller said big business liked Mr. Cooper's plan "because he does not change the status quo." He said that big business was so conservative that if the Administration had won its support "it would have been the upset of the decade."

His view that the Roundtable decision did not matter much was shared by one of Mr. Cooper's allies, Senator John Breaux of Louisiana, who is its leading backer of the plan in the Senate.

"I don't think it makes a lot of difference," Mr. Breaux said. "We've got to have 60 votes, and the only way we're going to get it is through a realistic compromise." He characterized the Roundtable vote as "jockeying," getting in position for the real debate to follow.•

WORRISOME WINDS FROM BUCHAREST

• Mr. DECONCINI. Mr. President, on February 21, 994, Romania's ruling

Party of Social Democracy announced its plan to form a coalition government with four smaller allies, including extremist parties from both right and left. The ruling party has always depended on support from these parties to govern—but a formal coalition will entitle them to cabinet level positions. The past 18 months have witnessed a strengthening of United States-Romanian bilateral relations. But by March we may find that the first East-Central European country to join the Partnership for Peace has forged a government of ultra-nationalists, anti-Semites, and veteran Communists.

It is not surprising that this news has failed to make a ripple in our press. After all, most Americans know little about this Balkan country; the political twists and turns of the Romanian Government may bear little relation to our every day lives.

But I, for one, would like to register deep concern about this prospect. I fear that such a coalition will handicap Romania's continued reform. I fear that such a coalition will breed intolerance and mistrust at the very time Romania—and the region as a whole—most needs to build confidence and unity. And I must state loud and clear to my counterparts in Romania that any step away from the path of democratic and market reform will seriously imperil Romania's international standing.

I know that the current economic situation in Romania is devastating. In 1993, inflation rose to 313 percent; the first few weeks of 1994 have been marked by a series of strikes and work stoppages from trade unions calling for higher pay and swifter reform. I know that enforcement of the sanctions against Serbia/Montenegro has inflicted severe losses on the Romanian economy. And I know that Romania is not alone in the region in struggling to come to terms with the political, economic, social and moral demands for the transition from the old system to the new.

But I strongly believe that the best hope for Romania lies in the firm and resolute commitment to complete the journey it has begun. And that is why a coalition government that includes parties that advocate anti-democratic principles is so alarming.

It is my understanding, however, that President Iliescu has another alternative. The democratic opposition, comprised of the Democratic Convention and the Democratic Party-National Salvation Front, is ready to share responsibility for governing. Now is the time for reform-minded leaders within the ruling party, and leaders within the democratic opposition, to forge an agreement for the future. Now is the time to lay aside today's personal disputes, competition, and animosity in the interests of everyone's tomorrow. Both sides will have to be reasonable. Both sides will have to swallow some pride and to shoulder some blame.

Both sides will ultimately be accountable to the people of Romania—the men and the women they serve. But both sides must already recognize that Romania cannot afford to lose any more time.

Mr. President, I come to the floor as a friend of this country, as one who has been there in the past and has met with many of its citzens—some as recently as this week. I am raising this red flag because I care. And I hope that the Government of Romania, however it is ultimately configured, will serve the true interests of its people by holding fast to the cause of democracy and reform.●

DEFICIT REDUCTION ACT OF 1994

● Mr. CONRAD. Mr. President, I am pleased to be a cosponsor of the Deficit Reduction Act of 1994. I commend Senator KERRY for organizing the group that produced this deficit reduction plan. It took a great deal of hard work and compromise to achieve consensus on this package of spending cuts.

I am a cosponsor of this legislation because I firmly believe that Congress needs to enact additional spending cuts this year. Last year, I voted for a deficit reduction package that will reduce the Federal budget deficit by $496 billion. I voted for that package because the choice before Congress was clear: action to get our Nation's fiscal house in order, or business-as-usual and skyrocketing budget deficits. I voted to act, but when I voted for that package, I said repeatedly that additional spending cuts were needed. Since voting for OBRA '93 last August, I have worked toward that goal. This package contains a number of spending cuts that can and should be made.

Congress made the right choice when it passed a comprehensive deficit reduction package last year. Many who voted against the package said it wouldn't reduce the deficit. They said the package would damage a fragile economic recovery. Those critics were wrong. New deficit estimates released by the Congressional Budget Office last week showed dramatic improvements in the deficit outlook. Those dramatic improvements are largely the result of the action we took last year. In the next 5 years, starting with fiscal 1994, the deficit outlook has improved by $617 billion. In addition, the economy grew at a rate of almost 6 percent in the fourth quarter of 1993, and we have the lowest interest rates in 20 years.

With the encouraging economic outlook, some might argue that we should not take any further action on the deficit. Some might say we have already done enough. I disagree. Congress must pass additional spending cuts this year. Further spending cuts are exactly the right prescription to reduce pressure for increasing interest rates. More importantly, though, taking action will help convince taxpayers that Congress is serious about cutting spending and getting the Federal deficit under control permanently, not just for the next few years, until we have another deficit crisis.

This legislation contains 26 separate spending cuts. If enacted, this package would reduce spending by more than $40 billion over the next 5 years. Some of the proposals in this package have been offered before. I have supported some of these cuts for years. For example, this legislation would eliminate the space station *Freedom*, a legislative initiative Senator BUMPERS has worked on for years. This legislation would also terminate the high-temperature gas reactor and the advanced liquid metal reactor. The plan rescinds funding for the P–3 sub-hunting plane. And if this plan were enacted, we would stop wasting money on mismanaged World Bank projects.

I joined the other cosponsors of this legislation in sending a letter to the majority leader last fall, urging prompt consideration of legislation to cut Federal spending further. I am hopeful that the Senate will have the opportunity to consider the legislation we are introducing today, and other spending cut plans, in the near future.●

TRIBUTE TO DR. S.E. FARMER—A LIFETIME OF DEVOTION AS A RURAL FAMILY PRACTITIONER

● Mr. MCCONNELL. Mr. President, I rise today to honor Dr. S.E. Farmer of Brownsville, KY. Dr. Farmer is retiring after over 40 years of outstanding medical service to the families and communities of Brownsville.

At a time when as a nation we are reevaluating how health care is best provided, Dr. Farmer is a shining example of the positive aspects of the medical profession. Since 1950, he has cared for the citizens of Brownsville and surrounding areas in western Kentucky, and has become part of their extended family.

Mr. President, Dr. Farmer is what is known as a rural family practitioner. He served an area that didn't have the benefit of large, state of the art medical facilities. He relied not only on his professional acumen, but also on practiced bedside manner. As the last of a dying breed of house call physicians, Dr. Farmer visited the homes and farms of his patients and was called on to provide a variety of services.

Doctors who engage in this type of medicine do not think of their patients as merely medical cases. Dr. Farmer knows each of his patients as individuals with particular needs and desires, indeed he thinks of them as his friends. Having often treated many generations of the same family, many citizens of this area of Kentucky have grown up

knowing of no doctor other than S.E. Farmer.

Mr. President, S.E. Farmer has decided to retire after a long life of devoted service to his profession. At the end of this month he will make his final house call and see his last patient. It is a sad day because as he leaves, Kentucky will be hard pressed to find a replacement of his high standard and caliber. Today there simply does not seem to be enough doctors interested in serving the remote areas of our country.

One needs only to ask the people of western Kentucky whom he served how valuable Dr. Farmer's services are. They will tell you of the time he stayed all night to make sure they were through the worst part of their illness. Or of the time that he was able to come in the middle of the night when a new mother was worried about her newborn. It is my hope that Edmonson County will find a doctor who recognizes and understands the special requirements of a rural family practitioner. Regardless of who cares for these people next, nobody will ever replace Dr. S.E. Farmer.

Mr. President, I ask my colleagues to join me in congratulating Dr. Farmer for a lifetime of service and wishing him well as he enters this exciting new phase of his life.•

TED WILLIAMS, THE SPLENDID SPLINTER

• Mr. MACK. Mr. President, I rise today to speak on behalf of a true American hero. A man who will forever be remembered as one of the greatest players in the history of baseball, a man who served his country in her time of need, and a man who captures the imaginations of young men everywhere as they dream of a hall of fame career in baseball, Ted Williams.

Next week in Florida, the Ted Williams Retrospective Museum and Library will be officially dedicated. Unfortunately I will be unable to attend this memorable occasion, however, I feel it is important to take a moment to remember Ted's accomplishments on and off the field.

The Splendid Splinter, as many of us remember him, played his entire career for the Boston Red Sox, first from 1939 to 1942 and then after two tours of duty with the U.S. Marine Corps, from 1946 to 1960. In 1941, he batted .406, the last player to hit over .400 in a season. In fact, he earned that distinction on the last day of the season in a doubleheader against my favorite team, my grandfather's Philadelphia Athletics.

Over the course of 2,292 games, Ted batted .344, led the American League in batting 6 times, and had 16 .300-plus seasons. In 1960, at his last bat in his career, Ted hit a home run off Jack Fisher of the Baltimore Orioles, a statement in and of itself about his remarkable career. I could go further into his impressive statistics, but suffice to say that when he was voted into the hall of fame in 1966, he received 93.3 percent of the votes and was the only player inducted.

Though Ted Williams is likely to be remembered for his play on the field, I would like to touch upon a lesser known, but nevertheless, a very important aspect of his life. Two months after the end of the 1941 season, Ted began the first of two tours of duty with the Marine Corps. At 34, he was called up for his second tour, and sent to Korea where he flew 38 combat missions and returned a hero. His service to his country cost him 4½ seasons of baseball.

Ted Williams retired at the end of the 1960 season, but in 1969 was lured back to the game as the manager of the Washington Senators, and then the Texas Rangers. In his first year, he was named Manager of the Year.

Since retiring from the public eye, Ted has served his community and his country through charitable work, and his mere presence still makes people smile, forget their troubles, and remember those days so many years ago.

I know my colleagues join me in thanking Ted Williams for his service to his country, both on and off the ball field and the battlefield, and for the memories which will never be forgotten.•

TAX FAIRNESS FOR MAIN STREET BUSINESS ACT OF 1994

• Mr. CONRAD. Mr. President, I rise today to cosponsor the Tax Fairness for Main Street Business Act of 1994 as introduced by my colleague, Senator BUMPERS. The inequity that will be righted by this bill has worked an extreme hardship on many small, main street businesses in my home State of North Dakota and all over America. Out-of-State mail order companies can automatically sell their merchandise for a lower price than local businesses because they don't collect the tax due on the purchase.

This legislation authorizes State and local jurisdictions to require out-of-State companies to collect taxes on sales of personal property delivered into their jurisdiction. The result will be to level the playing field for the small, main street retailers. The prices charged by local business and mail order companies will differ only as a result of real economic differences and healthy business competition. Government will not be giving a competitive edge to either type of business.

Mail-order companies can be a welcome presence in States like North Dakota, where consumers don't have the same variety of choices as in more populated areas. It is not the intent of this bill to impair the mail order industry. However, these companies should not operate with an unfair advantage over the local business establishments that provide jobs and contribute to the local economies. Competition should not be biased in favor of out-of-State mail order firms because of a quirk or loophole in the Federal law.

Some people may think that taxes are not due on mail orders and that this bill somehow raises taxes. This is not true. Taxes are due on all sales regardless of whether an item is purchased at a local retailer or through the mail. The only difference is that the States have great difficulty collecting the tax on mail order goods because they are unable to impose tax collection requirements on out-of-State companies. The Supreme Court has now ruled that mail order activities constitute a sufficient connection to the State to justify the tax collection requirement without violating the due process clause of the Constitution. This decision clears the way for Congress to act under its exclusive commerce clause powers and grant States the authority to require out-of-State tax collection.

The States lose revenue by not being able to collect on mailorder sales. Ultimately these lost revenues are made up in other ways such as increased income taxes which affect all State residents and add a further burden to main street businesses.

I have long supported legislative efforts to give States the authority that would be granted through this legislation. As a former State tax commissioner, I know how important this legislation is for the economic health of businesses and State governments in not only my State, but all States. I look forward to working with my colleagues to pass this important legislation.•

ALTERNATIVE PLAN MAY COME UP SHORT

• Mr. DASCHLE. Mr. President, as the Congress debates various health reform options, it is crucial we give every health care proposal the same scrutiny and critical analysis we have given the President's plan. My colleague, HARRIS WOFFORD, does just that in a recent article he authored in the New Republic.

Senator WOFFORD concentrates on the proposal introduced by Representative COOPER, a plan that has received much attention as a viable alternative to the Clinton bill. In so doing, he points our some significant deficiencies in this plan.

A majority of Americans support health reform that achieves guaranteed coverage for every American and checks the escalating costs of health care. Representative COOPER's plan does neither. The Cooper plan may achieve universal access, but this is far from universal coverage.

Further, the Cooper plan would negatively impact upon the national budget

and upon families' pocketbooks. A CBO/Joint Tax Committee report estimated the Cooper plan would increase the deficit by $70 billion. Also, by not requiring a shared employer/employee responsibility for health care premiums, the Cooper plan could significantly shift the burden for health care to families.

Representative COOPER has referred to his plan as "Clinton-lite." It is, if by that we mean it is less filling and more expensive.

While the Cooper bill shares much with the President's Health Security Act, such as the endorsement of managed competition, standardized claim forms, consumer report cards, and regional purchasing groups, it fundamentally fails on two basic premises of health reform: universal coverage and cost containment. Americans expect and deserve more from reform.

I ask that the full text of the New Republic article be printed in the RECORD.

The article follows:

[From the New Republic, Feb. 7, 1994]

COOPER POOPER

(By Harris Wofford)

After a season of new health care proposals, political posturing and broad-brush propaganda by private interest groups, Congress is about to get down to work on crafting a comprehensive health care plan. The final result should be a private-sector system that has lower inflation than our present one, has less bureaucracy and offers greater individual choice among doctors and health plans.

That happy prediction is based on something like Winston Churchill's wartime faith in the American people. In 1941, when Britain's survival hung by a thin transatlantic lifeline, Churchill said he was confident that the Americans "in the end will do the right thing . . . after they have tried every other alternative."

Doing the right thing in health care means achieving two basic goals: guaranteeing coverage for every American and checking the escalation of costs. The challenge is for members of Congress to reach across ideological lines and work with the president to overcome the resistance to reform that thwarted Harry Truman and Richard Nixon alike. Political fantasy? No. Pennsylvania's 1991 special election showed that health care is too important to ignore. It's a problem not only of the poor and uninsured, but of the middle class, which is concerned about the cost and security of its coverage.

So now there are plenty of "reform" plans on the table, most importantly the president's Health Security Act, of which I am a co-sponsor. The New Republic, in a recent editorial ("For the Cooper Plan," December 6, 1993) is right that no measure will pass without the support of proponents of Representative Jim Cooper's plan (and backers of Senator John Chafee's Republican proposal and Representative Jim McDermott's "single-payer" plan). And it's right to discard proposals like Senator Phil Gramm's as "hardly worth taking seriously" because they do so little to achieve universal coverage or limit rising costs. But to ask Congress to accept only the half-steps proposed by Jim Cooper is to risk losing a historic opportunity.

As thoughtful as he is, Cooper's bill does not do what needs to be done. He promises "universal access," but that's not saying much. As my colleague Tom Daschle puts it, we all have "universal access" to Rolls Royce dealerships. That doesn't put us behind the wheel. In fact, according to the Congressional Budget Office, Cooper's plan would leave 22 million people without coverage. Yet a recent NBC/*Wall Street Journal* poll shows that 78 percent of Americans are guaranteed coverage as the sine qua non of health reform.

Changing certain insurance industry practices will improve the availability of coverage: portability of coverage from job to job, a prohibition against denying coverage on the basis of pre-existing conditions. These are part of the Cooper plan—and the president's—but they don't guarantee universal coverage. Health plans must also be required to "community/rate." That is, they must charge all enrollees in a certain area the same amount. Without this step, they will still discriminate against people: not by excluding them but by charging them exorbitant premiums.

While Cooper's plan reflects a healthy skepticism about government's ability to solve every problem, it shows how a little reform can be a dangerous thing. He calls his plan "Clinton-lite." It has the distinction of being both less filling and more expensive. For the Cooper plan is "lite" on reaching comprehensive coverage, but it's heavy on family pocketbooks—as well as the national budget. Unlike the president's plan, the Cooper bill would increase the deficit by some $70 billion over five years, according to CBO/Joint Tax Committee estimates. That doesn't sound very "New Democrat" to me. Nor does the plan's reliance on the IRS: it would create a new layer of government paperwork for every employer by having the agency enforce the cap on tax deductibility.

The Cooper plan would do nothing to reverse the present trend toward limiting people's choice of their own doctors and pressing them into low-cost HMOs. Indeed, by making employers pay taxes on any health premiums higher than those of the lowest-cost plans, it would speed up the process of restricting choice.

Like the president, Cooper proposes reducing the rate of growth in Medicare and Medicaid. But he does so without controlling spending on the private sector side. As a result health care providers will shift costs, as they do today, by charging their privately insured patients more. Unlike the Health Security Act, the Cooper bill includes no protection for early retirees, who are increasingly seeing their coverage cut off by former employers. It doesn't begin to face the challenge of long-term care. And it doesn't cover prescription drugs for the elderly.

Crafting health care reform isn't a multiple-choice question with one right answer; it's an essay in which many primary sources contribute to the final product. Cooper himself lists fifteen similarities between his proposal and the president's, as well as eight key differences. He calls the plans "first cousins" and suggests a "family reunion" in any final legislation.

The most fundamental agreement is that competition should be promoted by regional purchasing groups through which individuals and businesses would buy coverage. Cooper calls them "Health Plan Purchasing Cooperatives"; the president calls them "Health Alliances." But this rose by either name is the agency for the "managed competition" Cooper has championed. Cooper should declare victory (and Congress should adopt many of his provisions to assure that the groups are consumer-run cooperatives, not new government agencies). The common ground also includes a standard claim form, electronic billing and consumer "Report Cards" on the competing plans. And there is agreement that Medicaid should be replaced, so the poor can have the same choices as everyone else.

So what is holding us back? Rhetoric aside the fight is over this: Should employers continue to pay health care premiums and should the present employer-employee contribution system be extended to all employers and their workers who are uninsured? Or should the only "mandate" be put on individuals and families, with the help of some new government subsidies?

Supporters of the Cooper and Chafee plans aren't willing to insist that all employers contribute. That may appear like political practicality. But it runs into a harsh reality: any plan that does not provide for a shared employer-employee responsibility would put great financial pressure on companies to dump coverage and shift billions in cost onto working families. The fact is most insured Americans now receive coverage through employers. The Cooper plan could mean that a family earning $30,000 per year would have to spend what The New York Times labeled a "merciless" $5,000 per year for basic coverage.

Restraint may be a virtue. Far more virtuous however, would be to fulfill Truman's promise of universal, private health insurance. Jim Cooper's proposal fails that test. So having considered the alternatives, we should in the end, as Churchill suggested, "do the right thing."•

REGARDING STATE TAXATION OF PENSION INCOME

• Mr. MCCAIN. Mr. President, I strongly support S. 235, legislation to repeal the source tax and I am pleased to be a cosponsor of this legislation. The bill would amend Federal law to prohibit any State from imposing an income tax on the pension income of any individual who is not a resident or domiciliary of that State. When an individual works in one State and pays into a pension, and then moves to another State to retire and there pays taxes on that pension, the original State should not be able to tax that pension income.

What is occurring now amounts to double taxation, and that is wrong, and completely unfair. Many hard working individuals are being punished due to the greed of certain States. The Federal government has an obligation to end this unfair system, and S. 235 does exactly that.

Mr. President, let me emphasize, this debate is not about avoiding taxes. The many seniors in my state who are ill-affected by these circumstances are not trying to avoid taxes. They are trying to not be forced to pay double taxes. They choose to live in the great State of Arizona and they are proud to pay Arizona taxes. What they and I believe is wrong is that the current law allows for other States in which they do not live to also tax them.

It is time to be fair. It is time to pass this needed legislation and end this unfair practice.•

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. Senators will cease audible conversation.

The majority leader.

PROGRAM

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate resumes consideration of the pending bill at 8:30 a.m. tomorrow, that Senator GORTON be recognized to offer his amendment on violence in schools.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, the Senate will resume consideration of the pending bill at 8:30 a.m. tomorrow, with Senator GORTON offering his amendment. There will be votes tomorrow. There will be no vote prior to 9:30 a.m. tomorrow. We cannot be certain of exactly when the vote will occur since there is no time agreement with respect to the Gorton amendment, but the vote will not occur prior to 9:30.

There will be several votes during the day on other amendments, and it is my intention that we will remain in session tomorrow until we complete action on the bill.

Mr. President, I was unaware when I made that request of the interest of the Senator from Missouri in a vote on his amendment, which deals with the same subject matter as the Helms amendment just voted on. Am I correct in that?

Mr. DANFORTH. Yes, Mr. President. It would be all right with me if we did it tomorrow.

Mr. MITCHELL. Mr. President, therefore I ask unanimous consent that at 9:30 a.m. tomorrow, the Gorton amendment be laid aside and a vote occur at that time on the Danforth amendment which I am advised has already been offered and been the subject of debate.

Mr. DANFORTH. Debated, right. The yeas and nays have not been ordered.

Mr. MITCHELL. Mr. President, I ask unanimous consent now it be in order to request the yeas and nays on the Danforth amendment as part of this unanimous consent request on the vote occurring at 9:30 tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MITCHELL. Mr. President, so Senators now should be aware there will be a vote at 9:30 on the Danforth amendment which was offered earlier today and debated.

The Gorton amendment will be offered at 8:30. It will be voted on at some point subsequent to the vote on the Danforth amendment.

I thank my colleagues for their cooperation.

There will be no further rollcall votes this evening but Senator KENNEDY and Senator JEFFORDS will remain. There is other business to act on with respect to this bill.

I repeat, there will be votes tomorrow. It is my intention we will remain in session tomorrow until we complete action on the pending bill.

I thank my colleagues for their cooperation.

ORDERS FOR FRIDAY, FEBRUARY 4

Mr. RIEGLE. Madam President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 8:30 a.m. Friday, February 4, which is my birthday, and that following the prayer the Journal of proceedings be approved to date and the time for the two leaders reserved for their use later in the day; that the Senate then resume consideration of S. 1150, as provided for under the previous unanimous consent agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RIEGLE. Madam President, there is one other item that we have to resolve before I can move to recess the Senate, and so, as I await word on that item, let me suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. RIEGLE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE HEALTH CARE ISSUE

Mr. RIEGLE. Madam President, we are still awaiting the last item for clearance this evening before the Senate recesses. I thought in the intervening time I would comment further on the suggestion made by some on the other side of the aisle that there is no crisis, some say, in the health care system.

Clearly, there is. If you have nearly 40 million people in the country who do not have any health insurance at all, it is certainly a crisis for them. I think when you have that many people in that situation, it is a terrible problem for a country as a whole.

I was trying to think what would meet the definition of a crisis for some of the people on the other side of the aisle here who do not think we should be very aggressive about dealing with this health reform issue. As I thought about the things that would probably qualify as a crisis in their minds I thought of if all of a sudden the health insurance were taken away for the U.S. Senate. If the health insurance coverage that we now have was taken away from the U.S. Senate, I think those same people would then see what they would then consider to be a crisis. That would be a crisis. Then they could see the crisis.

If it were there problem, they could see the crisis. But when it is the problem of someone else outside of here multiplied by 40 million, they cannot see that problem; that is not a crisis. That is not a crisis.

Furthermore, if you just think about it, think about the logic of it, if somehow the health insurance was taken away from the U.S. Senate and taken away for the executive branch of Government, do you know how long it would take us to fix that problem? It would not take years, and it would not take months. I do not even think it would take weeks. In fact, we would be in session right now fixing that problem if that problem were affecting us individually and our families the way it is affecting so many tens of millions of people out in the country.

That is part of the disconnection that exists right now in our Government system. It is why so many people are alienated and frustrated and do not believe any longer that they can count on the Government to do the things that the Government should do and that Governments in other countries are seeing gets done, namely, that there is some kind of a health insurance plan in place that can protect everybody in the country. Other countries have found those answers and we have not.

So I am convinced that if the health insurance were taken away in here we would be in session tonight. We would be working on it. We could probably have an answer maybe tomorrow, but it would not take very long. Within a matter of days if not hours we would find an answer for that problem if it were a problem affecting ourselves.

That is really the issue here. This is a crisis. It is time to act on it, and I want to see us act on it this year, act on it now so that we can help the kind of people that I was talking about earlier in Michigan and in other States.

RECESS UNTIL 8:30 A.M. TOMORROW

Mr. RIEGLE. Madam President, there being no further business to come before the Senate tonight, I ask unanimous consent that the Senate now stand in recess as previously ordered.

There being no objection, the Senate, at 7:42 p.m. recessed until Friday, February 4, 1994, at 8:30 a.m.

NOMINATIONS

Executive nominations received by the Senate February 3, 1994:

DEPARTMENT OF JUSTICE

LOIS JANE SCHIFFER, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE RICHARD BURLESON STEWART, RESIGNED.

MICHAEL R. BROMWICH, OF THE DISTRICT OF COLUMBIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF JUSTICE, VICE RICHARD J. HANKINSON, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING-NAMES OFFICERS FOR APPOINTMENT IN THE U.S. AIR FORCE TO THE GRADE OF MAJOR GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 624:

REGULAR AIR FORCE

To be major general

BRIG. GEN. JERROLD A. ALLEN [redacted]
BRIG. GEN. ALLEN D. BUNGER [redacted]
BRIG. GEN. STEWART E. CRANSTON [redacted]
BRIG. GEN. ROBERT S. DICKMAN [redacted]
BRIG. GEN. WILLIAM J. DONAHUE [redacted]
BRIG. GEN. ROBERT W. DREWES [redacted]
BRIG. GEN. PATRICK K. GAMBLE [redacted]
BRIG. GEN. FRANCIS C. GIDEON, JR. [redacted]
BRIG. GEN. EDWARD F. GRILLO, JR. [redacted]
BRIG. GEN. JOHN W. HANDY [redacted]
BRIG. GEN. CHARLES R. HEFLEBOWER [redacted]
BRIG. GEN. HENRY M. HOBGOOD [redacted]
BRIG. GEN. HAL M. HORNBURG [redacted]
BRIG. GEN. NORMAND G. LEZY [redacted]
BRIG. GEN. DONALD E. LORANGER, JR. [redacted]
BRIG. GEN. JOHN M. MCBROOM [redacted]
BRIG. GEN. GEORGE K. MUELLNER [redacted]
BRIG. GEN. ROBERT F. RAGGIO [redacted]
BRIG. GEN. JOHN B. SAMS, JR. [redacted]
BRIG. GEN. MICHAEL C. SHORT [redacted]
BRIG. GEN. RONDAL H. SMITH [redacted]

IN THE ARMY

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. NEAL T. JACO [redacted]

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. MARC A. CISNEROS [redacted] UNITED STATES ARMY.

THE FOLLOWING U.S. ARMY NATIONAL GUARD OFFICER FOR PROMOTION TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593(A), 3385 AND 3392:

To be brigadier general

COL, ALEX R. GARCIA [redacted]

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 593 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE. (EFFECTIVE DATE FOLLOWS SERIAL NUMBER.)

LINE OF THE AIR FORCE

To be lieutenant general

MAJ. WILLIAM P. ALBRO [redacted], 10/15/92
MAJ. MICHAEL O. BUCKLEY [redacted], 8/26/93
MAJ. ANTHONY J. CRISTIANO [redacted], 10/4/93
MAJ. WILLIAM H. ETTER [redacted], 10/3/93
MAJ. JUDITH A. GIGLIO [redacted], 10/21/93
MAJ. STEPHEN W. GREGOR [redacted], 10/2/93
MAJ. DONALD JACKSON [redacted], 10/2/93
MAJ. MICHAEL J. O'TOOLE [redacted], 10/5/93
MAJ. RONALD E. PARKHOUSE [redacted], 8/26/93
MAJ. WILLIAM M. SCHUESSLER [redacted], 9/27/93
MAJ. MICHAEL W. SCOTT [redacted], 10/3/93
MAJ. PAUL K. STONE [redacted], 9/19/93
MAJ. GARY G. WILSON [redacted], 10/8/93
MAJ. KAREN L. WINGARD [redacted], 10/3/93

CHAPLAIN CORPS

To be lieutenant colonel

MAJ. JOSEPH E. WALSH [redacted], 10/14/93

MEDICAL SERVICES CORPS

To be lieutenant colonel

MAJ. LOREN W. FLOSSMAN [redacted], 10/16/93

BIOMEDICAL SERVICES CORPS

To be lieutenant colonel

MAJ. SAMUEL I. TILONSKY [redacted], 10/16/93

MEDICAL CORPS

To be lieutenant colonel

MAJ. TIMOTHY H. GENG [redacted], 10/3/93
MAJ. DONALD E. HICKS [redacted], 9/18/93
MAJ. LEMUEL J. SHAFFER [redacted], 10/2/93
MAJ. HARVEY K. YEE [redacted], 9/12/93

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 593 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTIONS 593 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE. (EFFECTIVE DATE FOLLOWS SERIAL NUMBER.)

LINE OF THE AIR FORCE

To be lieutenant colonel

MAJ. DANIEL A. BECHDOLT [redacted], 9/1/93
MAJ. JOE H. BRYANT, JR. [redacted], 9/1/93
MAJ. ALAN C. BUNTING [redacted], 9/22/93
MAJ. IWAN B. CLONTZ [redacted], 9/11/93
MAJ. JAMES E. GREEN [redacted], 9/29/93
MAJ. SAMUEL C. HEADY [redacted], 9/13/93
MAJ. ROBERT T. HEARD [redacted], 9/1/93
MAJ. STEPHEN R. HICKS [redacted], 9/25/93
MAJ. EDWARD W. HOFFMANN [redacted], 6/12/93
MAJ. RANDALL K. JONES [redacted], 9/13/93
MAJ. DENNIS W. KOTKOSKI [redacted], 6/27/93
MAJ. RICHARD M. NAUMANN [redacted], 9/24/93
MAJ. JOHN B. PEARSON III [redacted], 9/1/93
MAJ. JAMES A. PECK [redacted], 9/25/93

MEDICAL CORPS

To be lieutenant colonel

MAJ. DANA A. RAWL [redacted], 9/11/93

BIOMEDICAL SERVICES CORPS

To be lieutenant colonel

MAJ. LARRY J. GRACE [redacted], 9/12/93

NURSE CORPS

To be lieutenant colonel

MAJ. TERESA M. MORRIS [redacted], 9/11/93

IN THE NAVY

THE FOLLOWING-NAMED LIEUTENANT IN THE LINE OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF LIEUTENANT COMMANDER, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFORE AS PROVIDED BY LAW:

UNRESTRICTED LINE OFFICER

To be lieutenant commander

CHRISTOPHER REDDIN MEEHAN

IN THE NAVY

THE FOLLOWING-NAMED CANDIDATES IN THE NAVY ENLISTED COMMISSIONING PROGRAM TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

NAVY ENLISTED COMMISSIONING PROGRAM

To be ensign

MARK T. ADAMY
KEVIN S. ANDERSON
TIMOTHY J. ANDERSON
JOSEPH J. ARNOLD
SCOTT M. AYERS
BRYAN W. BALGENORTH
JOSEPH L. BANACH
JAMES P. BEER
JOSEPH J. BIONDI
JERRY S. BLACKWELL
JOSEPH R. BLANK
JAMES R. BLANKENSHIP
ALLEN C. BLAXTON
TONY R. BRANCH
EDWARD A. BRAY
JEFFERY W. BRIDGWATER
CARL S BROW, III
DOUGLAS R. BUEHNE
STEVEN C. BUKOSKI
DENNIS M. BURKE
EUGENE F. BUSTAMANTE
SCOTT A. CARLSON
CHRISTOPHER J. CARMONA
TODD R. CHIPMAN
KEVIN P. CHRISTIE
JEFFREY M. CORLISS
CHRISTOPHER J. CORRIGAN
ALBERTO C. CRUZ
ANDRE T. CUEVAS
MALART CUNNINGHAM
DOUGLAS W. CZARNECKI
DUANE L. DECKER
JOSEPH DITURI
KEVIN J. DOWNEY
STEVEN D. DUESMAN
JAMES K. DUNBAR
ZACHARY K. DUNHAM
PATRICK W. DURBIN
TODD P. EHRHARDT
JAMES E. ELLIS
ROB E. ENDERLIN
TODD N. EPLEY
MARK A. ESCOE
KEVIN L. ETZKORN
BENJAMIN E. EVERHART
MICHAEL J. FAY
RALPH H. FIELD
ROBERT D. FIGGS
JIMMY D. FINLEY
CLAUDIA D. FLORES
MICHAEL J. FOGLIATTI
JOHN W. FOY
BRYANT L. FRAZIER
JOHN C. GASSER
JAMES L. GEICK
VINCENT C. GIAMPIETRO
MARCO P. GIORGI
RICHARD J. GORMAN
ADAM H. GRAY
MICHAEL E. GROSS
SHEILA M. GUSCHWAN
GENE M. GUTTROMSON
RICHARD GUZMAN
DAVID G. GWALTNEY
CHARLES V. HALL
CHARLES E. HANS
STEPHEN C. HARRINGTON
ROBERT J. HARTLEY
LINDA M. HATCHER
MICHAEL E. HAVENS
THOMAS M. HERNANDEZ
MARC R. HERRIMAN
CURTIS J. HICKLE
CURTIS R. HOLLAR
STEVEN E. HOLTZINGER
JOSEPH W. HOOTMAN
GREGG A. HUDAK
CLARK A. HUFFMAN
RUPERT L. HUSSEY
JAY H. JOHNSON
DARRELL M. JOHNSTON
JEFFREY A. JONES
MICHAEL W. JONES
ROBERT D. JONES
REED W. JORGENSON
SUNCHAI M. KHEMLAAP
JASON S. KINDRED
CHARLES P. KIROL
PHILLIP E. KNAUSS
DANIEL W. KORUS
DANIEL L. LANNAMANN
WESLEY H. LATCHFORD
BRIAN J. LAUER
OTIS L. LEAKE
ANDY M. LEAL
DAVID C. LEGLER
WILLIAM R. LEWIS
MICHAEL R. LOCK
GENE W. LOUGHRAN
WILLIAM A. MADDOX
GREGORY M. MAGEE
CHRISTOPHER M. MAGHUYOP
JON MARTINDALE
ROSE M. MATTIS
DOUGLAS K. MAYFIELD
MICHAEL J. MCCABE
MITCHELL P. MCCAFFREY
KEVIN P. MEYERS
VICTOR F. MILANO
JACOB W. MILLER
JAMES B. MILLER
MICHAEL R. MILLER
RENWICK M. MOHAMMED
DANIEL MONTOYA
JAMES D. MUSGRAVES
KENNETH R. OBRIEN
JEFFREY M. ODONNELL
GEORGE E. ODORIZZI
ROBERT F. OGDEN
ERIK D. OLLER
RODNEY M. OSBORNE
TERRY L. OWENS
CARL M. PEDERSEN
DANA L. PEELER
MICHAEL J. PELLERITO
SONJA M. PERRY
WILLIAM M. PHILLIPS
STEVEN G. PRENTISS
KAREN M. PRESCOTT
JOSEPH R. PRISELLA
JEFFREY J. PRONESTI
TODD C. PRUETT
DAVID J. RHONE
DENNY R. ROBERSON
JAMES M. ROBERTS
DAVID G. ROBERTSON
PAMELA R. RUSSELL
PAUL P. RYNNE
CARLOS SANCHO
DAVID R. SCALF
STEVEN L. SCHWEND
JAMES M. SHIELS
TIMOTHY G. SHINN
ARTHUR B. SHORT
JOHN W. SIMMS
WILLIAM J. SIMPKINS
DOUGLAS D. SMITH
TIMOTHY B. SMITH
EDWARD L. STEVENSON
MARK G. STOCKFISH
ROBERT P. STRAHM
JASON D. STUART
DONALD M. STYER
CALVIN F. SWANSON
STEVEN M. TABORSKY
MICHAEL R. TASKER
RHONDA J. TAYLOR
OSCAR TEQUIDA
ALVIN THOMAS
JOHN D. TINETTI
PAMELA K. TROUTMAN
JAY S. TUCKER
DANIEL L. VANMETER
LARRY P. VARNADORE
NEIL S. VELLEMAN
MICHAEL P. WARD, II
JOHN B. WEATHERWAX
RICHARD F. WEBB
WILLIAM L. WHITE
DANIEL S. WILCOX
WILLIAM G. WILKINS
NEIL S. WILLMANN
CHRISTOPHER M. WISE
DOUGLAS M. ZANDER
JAMES H. ZEIGLER
BRIAN S. ZITO
JON F. ZREMBSKI

IN THE NAVY

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICER, TO BE APPOINTED PERMANENT LIEUTENANT COMMANDER IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

To be lieutenant commander,

MARY C. JACOBSEN

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

LINE OF THE NAVY

To be lieutenant

MARK S. ANDERSON
BELINDA A. BAKALLA
TAMMY M. BAKER
USHER L. BARNUM, JR.
DANELLE M. BARRETT
THOMAS D. BARZEE
WILLIAM J. BATTERTON
RICHARD W. BAUER
CHRISTOPHER M. BLASCHUM
CRAIG R. BOMBEN
JAMES E. BREDEMEIER
STEPHEN F. BROWN
GREGORY J. BURGESS
ANN M. BURKHARDT
MICHAEL L. BURNS
TIMOTHY J. BURRINGTON
ROBERT E. CAMPBELL
BRET C. CARROLL
JOHN B. CASLER, JR.
GREGORY C. CAVANGH
ROBBY D. CHASON
DANIEL L. CHEEVER
BRYAN L. CLARK
DANIEL A. CLARK
JEFFREY S. COLE
ERNEST H. COLEMAN III
ANDREW P. COVERT
GRAHAM S. COX II
RANDY L. CRYSEL
MICHAEL F. CURA
ANTHONY B.H. CURRAN
RANDY C. DARROW
MICHAEL C. DAVIS
NORMAN D. DAWKINS
JEFFREY E. DEBOLT
DISTER L. DEOSS, JR.
CARL W. DEPUTY
PAUL F. DESMET
GARRY W. DILDAY
ROBERT E. DVORAK
JOHN T. DYE, JR.
GARY EDWARDS
JOSEPH A. ELLENBECKER
JAMES A. EMMERT
PATRICIO ESCOBAR, JR.
JEFFREY W. FENTON
LANCE E. FEWELL
ROBERT J. FINK
PHILLIP B. FRANKLIN
KURT A. FRANKENBERGER
JON FREDAS
MARK M. FREDERICKSON
JOHN N. FREEBURG III
VINCENT F. GIAPAOLO
MARK GIBBONS
JAMES F. GIBSON, JR.
STEVEN S. GINSKI
TRACY A. GRAHAM
PAUL F. GRONEMEYER
SCOTT D. HAMILTON
IVY D. HANCHETT
STEVEN E. HARFST
REBECCA L. HARPER
PETER C.J. HENDRICKSON
CHARLES J. HERBERT
DOUGLAS E. HIGGINS
RUTH A. HILES
MARK F. HINCH
JOHN M. HOOPES
JOHN R. HOOTEN, JR.
ELIZABETH S. HOSTETLER
GEORGE N. HUGHES
MARK A. HUNT
JAMES R. JARVIS
DEBORAH L. JENKINS
JAMES R. KADOW
RONALD D. KAELBER
JAMES E. KALLAHER
STEPHEN P. KELLEY
JOHN F. KEMPROWSKI
KAREN M.S. KERSTEN
ANDREW T. KEY
JARED A. KEYS
SUSAN E. KING
LESA J. KIRSCH

WILLIAM P. KOPPER
WILLIAM S. KUCIREK
TIMOTHY C. KUEHHAS
EDWARD F. LAZARSKI, JR.
ROBERT H. LEDOUX III
MARK F. LIGHT
JULIO LOFST
DARRYL J. LONG
MARIS N. LUTERS
MARIANNA B. MAGNO
JOHN A. MAHONEY
JAMES D. MARSHALL
JOHN S. MCKEE
KENNETH J. MCKOWN
DANIEL L. MEYERS
GEORGE D. MICHAELS
BRIAN L. MIRS
BRENT A. MORGAN
THOMAS P. MOSSEY, JR.
JEFFREY S. MYERS
JAMES M. NESHEIM
KENNETH E. NICHOLAS
JOHN P. NOLAN
LAFAYETTE F. NORTON I
GERALD A. NUNEZ
THOMAS W. ONEILL
ERIC D. PARSONS
TIMOTHY L. PEERY
MICHAEL C. PERKINSON
JOSEPH R. PETERSEN
JAMES R. PETTYJOHN, JR.
SEAN M. PHILLIPS
ALDEN D. PIERCE
CECILE R. POWELL
ROBERT H. POWERS
MICHAEL L. PRITCHETT
JOHN H. QUILLINAN III
TODD W. RADER
LUIS M. RAMIREZ
THOMAS C. RANCICH
JOSEPH D. RASKIN
ALLEN R. REEVES
DAVID REIDLARRY, JR.
GEORGE B. RILEY III
DAVID H. RYAN
STEPHEN A. SCHMEISER
JOHN P. SEGERSON
K. JEFFREY SEMON
KENNETH R. SHOOK
ANTHONY B. SILK
MARK A. SINGLETARY
VICTOR S. SMITH
SHANE E. SMITHSON
THOMAS J. STEER
HERBERT M. STEIGLEMAN III
MARTIN L. STRONG
CHRISTOPHER E. SUND
BRUCH W. TUNNO
VALERIE A. ULATOWSKI
JUDITH I. VANDERWAALDOROZCO
DAVID L. VARNER
HENRY L. VELARDE
NEIL F. VOJE
DOUGLAS R. VOLKMAN
LELAND C. VULCAN
CHARLES G. WALKER
DAVID A. WALKER
SEAN S. WALL
DAVID H. WATERMAN
JOHN R. WEBER
WILLIAM A. WEEDON
JON A. WELDON
JAMES P. WHATLEY
JOHN D. WHEELER
STEFAN D. XAUDARO, JR.
CHRISTOPHER T. YEAGER
GLENN W. ZEIDERS III
MICHAEL L. ZIMMER
GEORGE F. ZINNINGER I

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

To be lieutenant (junior grade)

TERRY LYNN ALSTON
KURT ROBERT BAN
JASON DIRK BROOKS
KARLIS IVAN BURTON
JERRY ARCHIE COLEMAN
JOHN GORDON COOK
JAMES DAVIS DEAN
GREGORY A. DUBE
WILLIAM LEWIS EWALD
ANDREW IRAJ FATA
JAMES ALLEN HILL
KEVIN G. HODER
JEFFREY THOMAS JATCZAK
JOHN MATTHEW KORMASH
THOMAS BRADEN LEE, JR.
VAN PATRICK MCLAWHORN
ROBERT STEPHAN MEHAL
JOHN NEIL O'DONNELL
LAURENCE MURRAY PATRICK
STEPHEN RAY PERRY
ALFRED BENJAMIN PRICE
DOUGLAS ALAN RINE
ANDRES FERNANDO SANDOVAL
JEFFREY SCOTT SPIVEY
HAROLD WILLARD STOUT
BRIAN GERARD WOODS
MICHAEL ZIV
REGINALD BAKER
MICHAEL BRAIN BRITT
DAVID ALLEN BURRIS
MATTHEW OWEN CASE
CYNTHIA DIANE CONWAY
JASON DON CRAIN
STEVEN EDMUND DRADZYNSKI
GARY DUKE ELLINGTON
STEPHEN FRANCIS FAHEY
WALLACE JOSEPH GABER, JR.
ROBERT REGINALD HILL, JR.
JOHN WILLIAM HUMPHRIES
MICHAEL CHARLES KNAPP
JAMES MICHAEL LANDAS
GEORGE MAGISKE III
TIFFANY MICHELE MCNEASE
TODD JAMIE MITCHELL
ROBERT EUGENE PAGE
DAREN RICHARD PELKIE
PAUL MAURICE PIERRE
TIMOTHY PAUL RICHARDT
JAMES DONALD ROCHA
ALEXANDER THADDEU SKINNER
STEPHAN MICHAEL STEMPINSKI
KEVIN DALE VAUGHN
SUSAN LOY YATES

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

To be ensign

ROBERT M. BENDER, JR.
CHRISTOPHER A. BOLLINGER
MICHAEL C. BOOMER
SCOTT D. BOXBERGER
MARK RICHARD CAMPO
PHILIP S. CARTACIANO
ROLANDO CHEN IV
MING CHUNG CHOW
LAWRENCE R. CORR
JOHN D. COTTINGHAM
BRIAN H. CRAWFORD
CASEY K. CREECH
SCOTT B. CURTIS
JOHN CLAY DANKS
KEITH J. DEBATES
JEFFREY S. ELLSWORTH
STEVEN M. FELKER
TIMOTHY W. FITZWILLIAM
ANDREW J. FRANSEN
JOHN A. GEARHART
ROBERT B. GINN
GARTH D. GRIMM
JASPER C. HARTSFIELD
TIMOTHY C. HAVENS
ROBERT L. HENDRY
LEIF DANIEL HILLE
JEFFREY C. HILYARD
DAVID M. HIMES
DAVID A. HODGSON
AARON M. HOLDAWAY
RONALD J. C. KIDD
JOHN H. KOSCHWANEZ
ADAM C. LARSON
TIMOTHY LEE
ANDREJS J. LEWIS
CARL M. LIBERMAN
JOEL S. LOVEGREN
STEVEN MANCINI
WILLIAM A. MANHART
MARK A. MANSKE
PAUL G. MASSEY
JEFFREY D. MCGEE
STEVEN W. MEDLAND
JAMES M. MERCURIO
PATRICK A. MILLER
CHRISTOPHER H. NEILL
PATRICK K. OBRYAN
ANDREW S. PARKE
JOHN M. PERRY
STEVEN L. PLAUTZ
BERT P. POHL, JR.
ALPHONSE PORCELLO
GERALD R. PRENDERGAST
STEPHEN J. RUPPERT
KENNETH T. SCHLAG
XIANYU SHEA
STEVEN R. SHIVERS
DAVID J. SIDEBOTTOM
STEVEN J. SKRETKOWICZ
JON ERIC STEARN
DAVID M. STONE
JASON R. STRICKLAND
MARK D. THELEN
DAVID G. THOMAS
MICHAEL T. WARD
JAMES M. WELLS
JOHN H. WENZEL
JOHN J. WHITE
CHRISTOPHER S. WICHMAN
DAVID L. WILLIAMSON
DAVID H. WILSON
MATHEW J. WOLFE
JON ERIC WRIGHT
SCOTT A. YATES
PAUL R. YONDOLA
ALAN W. YOUNG
ROBERT A. ZALEWSKIZARAGOZA
MICHAEL A. ZONA

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICER, TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

MEDICAL CORPS

To be commander

RAMON A. URDANETA

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

MEDICAL CORPS

To be lieutenant commander

JAMES ALLEN BLACK
ANDREW GERALD EICHLER
KEVIN L. GALLAGHER
STEVEN JEFFREY HAGER
JERRY J. HODGE III
MARK HAROLD JOHNSTON
BRIAN PATRICK MONAHAN
STRATTON SHANNON
ROBERT A. DEEDMAN
PAUL HARMON EPHRON
JEFFREY ROBE GREENWALD
THOMAS E. HATLEY
KENNETH JAY IVERSON
PAUL A. LUCHA
CHARLES ANTHONY RUST

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT IN THE MEDICAL CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

MEDICAL CORPS

To be lieutenant

BRIAN M. BELSON
ERIC A. BOWER
LARRY C. BOYD
MATTHEW ANDER CARLBERG
JOHN C. NICHOLSON
MARGARET A. RYAN
TERRENCE L. SOLDO
BARBARA K. BOLLINGER
PATRICK H. BOWERS
RAFAEL A. CABRERA
DELBERT W. HAM
KEVIN J. RONAN
LEE R. SCHREIBER
DALE F. SZPISJAK
LAWRENCE E. WALTER

THE FOLLOWING NAMED LINE OFFICERS, TO BE REAPPOINTED PERMANENT LIEUTENANT IN THE SUPPLY CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

SUPPLY CORPS

To be lieutenant

SCOTT LAVALLE HAWKINS
JOHN FRANCIS ZOLLO

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT IN THE SUPPLY CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

SUPPLY CORPS

To be lieutenant

JOSEPH F. BENNETT, JR.
CASEY C. BURNS
ROBERT CAMPBELL
RONALD R. COLEMAN
TIMOTHY G. CRAVEN
RAYMOND B. J. DAUGHERTY
DANE A. DENMAN
SCOTT H. GOODWIN
ROBERT J. HAMMOND
MICHAEL C. HARR
JAMES C. HENDERSON
JAMES F. HILES III
ROBERT R. HOOTEN, JR.
ROBET E. HOWELL
JAMES M. JOHNSON
RICHARD N. MAENHARDT
BOYD A. MCCAIN
WILLIAM F. REICH IV
MELVIN A. SHAFER
JOSEPH M. SKYMBA
RODNEY J. SOULTZ
TERRY M. SURDY
DIMITRI TAYLOR
MICHAEL T. WINKLER

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE SUPPLY CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

SUPPLY CORPS

To be lieutenant

PAUL J. BOURGEOIS
JAMES T. CHAVIS
KURT M. CHIVERS
MATTHEW J. GIBBONS
TIMOTHY J. HARRINGTON
ANGELA JACKSON
DAVID H. KAO
JAMES M. LOWTHER
DEBORAH A. SALLADE
JON D. SCHAAB
TIFFANY A. SCHAD
ROBERT L. SIMMONS

THE FOLLOWING NAMED LINE OFFICERS, TO BE REAPPOINTED PERMANENT ENSIGN IN THE SUPPLY CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

SUPPLY CORPS

To be ensign

MICHAEL J. GALLAGHER
JOHN T. MANGELS
BRENT T. MEYER
KRISTINE K. SMITH

THE FOLLOWING NAMED LINE OFFICERS, TO BE REAPPOINTED PERMANENT LIEUTENANT IN THE CIVIL ENGINEER CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

CIVIL ENGINEER CORPS

To be lieutenant

BENJAMIN J. BARROW
WALTER B. GLENN
CHRISTOPHER S. LAPLATNEY

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

CIVIL ENGINEER CORPS

To be lieutenant

SHAWN J. BERGAN
GARTH B. BERNINGHAUS
DAVID R. GEORGES
WALTER M. LENOIR III
HOMER C. PHILLIPS
JUAN T. ROBERTSON
DANIEL J. THERRIEN

THE FOLLOWING NAMED LINE OFFICERS, TO BE REAPPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE CIVIL ENGINEER CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

CIVIL ENGINEER CORPS

To be lieutenant (junior grade)

RAYMOND L. COURNOYER, JR.
JEFFERY P. FOLTZ
JEAN A. WENIGER

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE CIVIL ENGINEER CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

CIVIL ENGINEER CORPS

To be lieutenant (junior grade)

GORDON E. CLARK, JR.
STEPHEN J. DONLEY
DAVID W. HAYNES
TODD B. HENRICKS
STANLEY A. KLOSS
DAVID B. KOCH
MARK D. RUSSELL
ANNE V. SCALA
GLENN A. SHEPHARD
GEORGE N. SUTHER
RICHARD C. TAYLOR
THOMAS B. TRYON
MARK E. WIERSMA

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT IN THE JUDGE ADVOCATE GENERAL'S CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

JUDGE ADVOCATE GENERAL'S CORPS

To be lieutenant

MICHAEL H. BANDY
BRENT G. FILBERT
KRISTEN M. HENRICHSEN
STEVEN J. HIPFEL
MELINDA D. LAWRENCE
JOHN R. LIVINGSTON
PATRICIA M. LYNCHEPPS
JOANN W. MELESKY
TAMARA A. MIRO
ROBERT A. SANDERS
SUSAN C. STEWARD
HELEN K. YOUNG

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT COMMANDER IN THE DENTAL CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

DENTAL CORPS

To be lieutenant commander

GINA L. HITCHCOCK
DANIEL W. SCHAFFNER

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT IN THE DENTAL CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

DENTAL CORPS

To be lieutenant

LYNNE A. BALDASSARICRUZ
MONICA E. BERNINGHAUS
ROBERT A. BOUFFARD
SCOTT W. COLBURN
JOHN S. EVERED
ARTHUR D. GAGE
KEITH C. KEALEY
FRANCISCO R. LEAL
MARK L. PLEDGER
PAMELA V. ROBINSON
GARRY SCHULTE
CLIFFORD ZDANOWICZ

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT COMMANDER IN THE MEDICAL SERVICE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

MEDICAL SERVICE CORPS

To be lieutenant commander

ROBERT S. PARKER III

THE FOLLOWING NAMED LINE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT IN THE MEDICAL SERVICE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

MEDICAL SERVICE CORPS

To be lieutenant

JAMES E. BREAY

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT IN THE MEDICAL SERVICE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

MEDICAL SERVICE CORPS

To be lieutenant

PIUS A. AIYELAWO
KATHLEEN V. ALDRIDGE
JOSPEH M. ALEXANDER
RAOUL ALLEN
MARTHA J. ANDREWS
DECIMA C. BAXTER
NANCY A. BRAUN
JEFFREY R. BUSH
NEAL A. CARLSON
MEGHAN A. CARMODY
KIM CARVER
JAMES A. CLINDANIEL
EUGENE M. DELARA
JOHN F. FERGUSON
MICHAEL L. FINCH
STEPHEN E. FORMANSKI
ROXANNE FRANCIS
DAVID L. HAMMELL
RICHARD J. JEHUE
ANTONY R. JOSEPH
CHRISTOPHER KARDOHELY
THEODORE KELL
DAVID O. KEYSER
JULITO P. LALUAN
CALVIN A. I. LATHAN
STEVEN E. LINNVILLE
JAMES E. J. MCGRIFF
JANET L. MENZIE
EDWARD A. METCALF
JONATHAN A. MILLER
CHRIS A. MINO
JUDITY A. MUELLER
MATTHEW E. NEWTON
RONALD A. J. NOSEK
LORRAINE E. NUDD
BRADLEY B. PHILLIPS
WENDY H. PINKHAM
JONATHAN C. POPA
LYNDA M. RACE
EDWARD A. REEDY
PETER W. SEELEY
LESLIE L. SIMS
FRANCIS V. SMITH
PAUL S. SON
ANNE M. SWAP
GRAY W. THOMAS
LAURA R. WETZEL
CAREY C. WILLIAMS
MICHAEL J. WILSON

THE FOLLOWING NAMED LINE OFFICER, TO BE REAPPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE MEDICAL SERVICE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

MEDICAL SERVICE CORPS

To be lieutenant (junior grade)

MARIE A. VOLPE

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE MEDICAL SERVICE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

MEDICAL SERVICE CORPS

To be lieutenant (junior grade)

JESSE PHILMOR ALDRIDGE
HEIDI LOUISE ATWOOD
DAVID NELSON BREIER
GARY WILLIAM BRUTON
HAROLD EMERSON BURKE, I
ANTHONY SEAN CHAVEZ
LAMAR ANTHONY CHILDS
DAVID THOMAS CLONTZ
GERALD LORENZA CREECH
MAURICIO GERA DRUMMOND
RICHARD PAUL ERICKSON
LEE ALLAN FORDYCE
JEFFREY KEITH GUYOT
JOE HARPER HEMENWAY
GERALD DEAN KIPLINGER
DAVID RICHARD KOCH
RICHARD EDWAR MAKARSKI
CHRISTINE WI MANKOWSKI
MICHAEL ANGELO MEDINA
DEBRA ANN MORTLAND
BARBARA ELLEN NOSEK
JANET AMELIA OLSON
TODD CHRISTOPHE SANDER
KIM MARY TAYLOR
KAREN LINDA WEISS

THE FOLLOWING NAMED LINE OFFICERS, TO BE REAPPOINTED PERMANENT ENSIGN IN THE MEDICAL SERVICE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

MEDICAL SERVICE CORPS

To be ensign

ROSANNE Y. CONWAY
DAVID A. ELLENBECKER
SARAH MARIE NEILL

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT IN THE NURSE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

To be lieutenant, Nurse Corps

BRADLEY DENA ALEXANDER
CURT DOUGLAS ANDERSEN
CHARLES PATRIC ANTOLDI
JUDITH DEADRICK BELLAS
MARY KATHERINE BROWN
NANCY K. CONDON
CRAIG LEE COOPER
TINA ANN DAVIDSON
DRUSILLA JANE ELLIOTT
CYNTHIA JEAN GANTT
KIMBERLY ANN GRANVILLE
JUDY ELIZABETH GROOVER
KATHERINE MARIE GULLON
TERRY JON HALBBRITTER
ARTHUR BAXTER J. HANLEY
TRACY L. HARRINGTON
CATHARINE MARY HOFFMAN
JOELL ANDREA HOLMES
LINDIA GAIL HUGHES
JOSEPHINE CAROL JENKINS
DENISE JOHNSON
DEBORAH STARR KIDDER
JANET MAURINE KIMBELL
LYNNE ROWENA KUECK
RUTH ANN LONGENECKER
JOHN THOMAS MANNING
CATHERINE LIMBO MANUEL
SIMONE NINA MARSAC
MARGARET MARY MCGINTY
VELMA LEE MONTGOMERY
TINA LOUISE NAWROCKI
SUSAN NEHILLA
DENNIS MERLE ODELL
ROSEMARIE JOYCE PARADIS
MARIA ELIZABETH PERRY
ROBERT FRANK PROFETA
ANN RAJEWSKI
BEVERLY ANN SASS
SARAH LOUISE SCHULZ
PAULA YVONNE SIMPSON
DOROTHEA ARNELL SLEDGE
MICHELE HERLINE SMITH
CASSANDRA ANITA SPEARS
AMY LOUISE SPRINGMAN
ROSS ROWENA P. STEVENS
JOSEPH GERARD STOWELL
MARY A. SUTHERLAND
SUSAN LILLIAN TITUS
JENNIFER ANN TORRES
CONSTANCE LYNN WORLINE

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE NURSE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

To be lieutenant (junior grade) Nurse Corps

DONALD WAYNE ANDERSON
SUSAN MARIE BESSING
SANDRA ANN BIRCHFIELD
STACEY PAULINE BOLIN
KAREN MARIE BRANSON
PATRICIA MARY BURNS
NORMAN FRAN CHARBONEAU
HONEY LYNN DEARMOND
BRIAN JAMES DREW
DEBRA JO ELLIOTT
DONNA MARIE HAASE
ANNE REID HALEY
ROSANNE IRENE HARTLEY
LINDA JANE ANN HOUDE
LAURIE ANN IRWIN
JOAN ANNE MCDERMOTT
MICHAEL ALASTAIR NACE
SUSAN ANNE PIERSON
RANDY LEE SHARP
VICKI LARRAINE SIMMONS

THE FOLLOWING NAMED TEMPORARY LIMITED DUTY OFFICER, TO BE APPOINTED PERMANENT LIEUTENANT IN THE LINE AS A LIMITED DUTY OFFICER OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5589(A):

To be lieutenant limited duty officer

WILLIAM BOYD ALLEN

IN THE NAVY

THE FOLLOWING NAMED NAVAL RESERVE OFFICERS TRAINING CORPS CANDIDATES TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

NAVAL RESERVE OFFICERS TRAINING CORPS

To be ensign

JEFFREY M. ABBRUZZI
FLORENTINO E. ABENA
PAMELA S. ABERNATHY
DAVID F. ACQUAVELLA
KRISTIN ACQUAVELLA
CHRISTOPHER G. ADAMS
JOHN R. ADAMS
MICHAEL A. ADKINS
SHANE A. AHALT
JOHN E. ALANIS
JOSEPH J. ALBERTI, JR.
MITCHELL W. ALBIN
JAVIER ALMODOVAR
HEIDI A. ALOISE
SERHAT ALPAR
JASON S. ALZNAUER
SCOTT R. ANDERSEN
MATTHEW J. ANDERSON
MICHAEL L. ANDERSON
RICHARD D. ANDERSON III
SEAN R. ANDERSON
MARK ANDREWS
CHRISTOPHER J. ANGELOPOULOS
JAMES P. ANNUNZIATA
JARED L. ANTEVIL
STEVEN M. ANTHOLT, JR.
JULITO T. ANTOLIN, JR.
PAUL A. ARMSTRONG
CRAIG S. ARNESON
ANTHONY E. ARNOLDS
NERGENE A. ARQUELADA
SCOTT M. ASACK
JOYCE C. ASCANO
DAMASO ASENCIO, JR.
KEITH A. AVERY
RICHARD D. AVILA
ROBERT F. BAARSON, JR.
CRAIG E. BACHO
JAMES L. BAILEY
GREGORY M. BAKER
RICKY L. BAKER
LUKE H. BALSAMO
MARCELINO C. BALTERO
JOHN D. BANDY
CHRISTOPHER M. BARBER
THOMAS C. BARBOA
MATTHEW P. BARENTS
TODD E. BARNHILL
JAMES M. BARRETT
JONATHAN S. BARROWS
KEITH W. BARTON
GREGORY J. BATCHELDER
JUSTIN T. BATES
MARCUS P. BAUER
OLIVER F. BAYONA
ADRIAN G. BEALE
WILLIAM A. BEDARD III
RICHARD J. BEHRENS
DAVID W. BEISSLER
ERIC E. BELIN
LIONEL M. BELLA
PAUL J. BERNARDINO
KEITH C. BERNHARDT
DANIEL J. BESSE
MICHAEL C. BIEMILLER
JONATHAN C. BIERCE
MARC W. BIGBIE
BRANDON L. BIGELOW
DALE D. BIGHAM
BARRY R. BILLMANN, JR.
CLAUDE E. BIRD
JOHN R. BIXBY
DAVID A. BIZOT
CRAIG F. BLACKBURN
DUNCAN R. BLAIR
THOMAS E. BLAKE, JR.
DAVID G. BLENCOE
RODNEY D. BLEVINS
JESSICA L. BLORE
RHONDA W. BONNAVILLE
AARON L. BOOK
TROY D. BOOKER
DALE W. BOPP
ANDREW J. BORDICK
ERNEST W. BORUM
BERNARD J. BOSSUYT
RANDALL W. BOSTICK
MICHAEL C. BOSWORTH
CHRISTOPHER D. BOTTORFF
JASON C. BOWMAN
BRIAN D. BOYCOURT
RODNEY R. BOYD
CHRIS G. BOYLE
KENNETH C. BOYSEN
CHRISTOPHER A. BRADSHAW
DOUGLAS M. BRADSHAW
DELIA D. BRADY
DENNIS A. BRADY, JR.
PATRICK W. BRAME
ROBERT W. BRANDT, JR.
NICOLE A. BRANDVOLD
MATTHEW J. BRAUN
PAUL A. BREAULT, JR.
MICHAEL A. BRIGGS
SCOTT A. BRIQUELET
MARY M. BRISTER
PHILIP M. BROCK
CHAD M. BROOKS
TODD M. BROSKI
CHRISTOPHER D. BROWN
ERIC P. BROWN
KENNETH J. BROWN, JR.
KEVIN R. BROWN
SHAWN S. BROWN
JEREMY D. BRUNN
JAMES S. BRUSKE
STERLING L. BRYSON
JAMES A. BUCHANAN
JOSEPH G. BUCKLER
SEAN P. BUCKLEY
CHAD E. BUERMELE
ANDREW E. BUESCHER
MARK A. BULKELEY
MICHAEL C. BULLOCK
JEFFREY J. BURFORD
CARL J. BURGOS
ADAM L. BURKS
DEXTER A. BURLEW
JOHN S. BURNETTE
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DANIEL L. SCOTT, JR
ROBERT B. SCOTT
SHELIA D. SCOTT
JAMES E. SEDDON
ANDRE E. SEKOWSKI
CHRISTIAN N. SETTLEMIER
DARRICK J. SEYMORE
WILLIAM K. SHAFLEY III
LEONARD T. SHANKMAN
MICHAEL P. SHANNON
RAVI K. SHARMA
DAVID K. SHARP
BRIAN J. SHEAKLEY
BLANE T. SHEARON
ROBERT R. SHELBY, JR.
PATRICK L. SHELL
SCOTT H. SHERARD
ZACHARY E. SHEREN
ANGELINA M. SHERMAN
JOSEPH H. SHERMAN
CHRISTOPHER R. SHERWOOD
RICHARD E. SHETTLER
STEPHEN J. SHIPLETT, JR.
ANTHONY T. SHORT
THOMAS E. SHULTZ
CAROL A. SHUPACK
CRAIG C. SICOLA
BRETT M. SIDES
JONATHAN B. SIEGEL
ROBERT A. SIM
DAVID W. SIMMONS
JOELLE M. SIMONPIETRI
ALEXANDRE R. SINGLETON
TRAVIS D. SISK
THOMAS E. SLEDER
BRADLEY S. SLOCUM
ANTHONY C. SMITH
BRIAN T. SMITH
BROOK A. SMITH
CHARLES R. SMITH
CHRISTOPHER R. SMITH
CLIFFORD A. SMITH
DEANNA J. SMITH
ESTHER A. SMITH
GARY F. SMITH
JAN G. SMITH
KEVIN R. SMITH
LEONARD J. SMITH
MATTHEW J. SMITH
PAYTON C. SMITH
SHERRY L. SMITH
THADEOUS C. SMITH
MIRIAM K. SMYTH
TERENCE M. SOBOLEWSKI
ALEXANDER T. SOE
GABRIEL E. SOLTERO
JEFFREY L. SORICELLI
JEFF W. SORRENTINO
AXEL W. SPENS
ALFRED J. SPEREDELOZZI
LOUIS V. SPICCIATI, JR.
RICHARD M. SPRINGER
JASON A. STABENOW
TARSHA V. STACY
CHRISTOPHER M. STAFFORD
ADAM N. STANKS
ERROL J. STANSBERRY
GREGORY E. STATON
CRAIG J. STEELE
MEGHAN E. STEELE
CHRISTOPHER C. STEENSMA
JASON D. STEGNER
WILLIAM J. STEGNER
ROBERT J. STEINBERGER
WILLIAM L. STELLWAG, JR.
ALEKSI J. STENBACK
PAUL R. STEPHENSON
ROBERT L. STEPHENSON, JR.
KEVIN W. STERLING
SCOTT W. STETSON
JASON D. STEVENS
CLAUDE R. STEWART
DAVID G. STILL
COY R. STINE
RONALD C. ST MARTIN
JAMES E. STONE
JONATHAN C. STONE
CAROLYN A. STORCK
JEFFREY R. STOTLER
WILLIAM P. STRADER
CHRISTIAN P. STRAND
JEFFREY E. STRANGE
JEFFREY D. STROH
LAWRENCE V. STROUD
SCOTT J. SUDA
JERALD J. SUMMERS
KEVIN T. SUTTON
WILLIAM A. SUTTON, JR.
VARUTH T. SUWANKOSAI
BRYAN R. SWANN
CHRISTOPHER A. SWANSON
CHARLES T. SWEENEY
ROBERT E. SWEENEY
JOHN F. SWEETER, JR.
PETER J. SZCZEPANKIEWICZ
SEAN K. SZYMANSKI
PEDRO G. TAJALLE, JR.
CHARLES B. TALBOTT
JOHN M. TATUM
CAMERON L. TAYLOR
JAMES M. TAYLOR
STACEY L. TAYLOR
BRIAN D. TERRIEN
BRADLEY B. TERRY
JOEL R. TESSIER
ARMAND T. TESTA
BRENT W. THIEC
WOLFGANG K. THIERS
KIMBERLY W. THIGPEN
CHANNING J. THOMAS
JAMES T. THOMAS
JOHN B. THOMAS III
KARL A. THOMAS
ROBERT W. THOMAS JR.
ABRAHAM A. THOMPSON
JOHN C. THURMOND
MICHAEL K. TIBBS
RODNEY D. TILLOTSON
MICHAEL J. TITCOMBE
BRETT E. TITLE
GREGORY V. TOLLE
STEPHEN D. TOMLIN
DAVID A. TORGERSON
KATHERINE A. TRAUTH
ARTHUR J. TRUJILLO
JOSHUA L. TUCKER
SCOTT A. TUCKER
PAUL A. TURCOTTE
JULIAN W. TYLER
MARK J. VAGEDES
VICTOR C. VALENZUELA
DARIN L. VALLETTE
JOHN R. VANBUREN
RUSSELL J. VANDIEPEN
NOU VANG
EDWARD M. VARGAS
DANIEL J. VASSAR
BRIAN K. VAZQUEZ
CHRISTOPHER R. VEGA
VICTOR V. VELASCO
MATTHEW A. VERICH
DOMINICK A. VINCENT
JON C. VINGE
JEFFREY W. VOIGT
NICOLAS R. VOLPICELLI
JOHN W. WADE
PETER N. WAINMAN
ALEXANDER R., WAKEFIELD
ALEXIS T. WALKER
JAMES A. WALKER
JUNDY C. WALERK
ROBERT G. WALKER
STEPHEN B. WALLER
DARREN C. WALLIS
WILLIAM G. WARBURTON JR.
JEFFERY D. WARNER
SEAN D. WATERMAN
TIMOTHY M. WATSON
VINCENT C. WATSON
RONALD WEATHERED
MICHAEL C. WEBER
SCOTT L. WEBER
ERICH R. WEDAM
SHAWN K. WEIDERT
DAVID W. WEIDNER
BRIAN D. WEISS
JEFFREY D. WEITZ
CORY J. WELCH
BRIAN E. WELSH
COREY J. WENDLING
GERALD M. WINNER III
JIMMY J. WESTBROOKS
DANIEL F. WESTERHEIDE
TODD E. WHALEN
AMY L. WHITE
ROY G. WHITE JR.
AMAHL K. WILLIAMS
BRYAN T. WILLIAMS
CHRISTOPHER J. WILLIAMS
JASON A. WILLIAMS
MICHAEL E. WILLIAMS
MICHAEL J. WILLIAMS
ROBERT J. WILLIAMS
RUSSELL V. WILLIAMS
SHOWN T. WILLIAMS
DUMLIE K. WILSON
JOHN M. WILSON
KENNETH S. WILSON
RICCARDO WILSON
ROBERT C. WILSON
ELNORA E. WINN
MARK S. WITHYCOMBE
STEPHEN J. WONG
CHARLES E. WOODARD
DARRIN L. WOODS
ASTRID E. WOODWARD
AMY E. WOOTTEN
RICHARD M. WORMS JR.
JAMES T. WORTHINGTON III
CYNTHIA M. WRIGHT
MILTON E. WUERTZ
THOMAS M. YANNONE JR.
NATHAN D. YATES
WILLIAM J. YODER
JI H. YOO
NATHAN S. YORK
CHARLES T. YOUNG JR.
DAVID A. YOVANNO
DAMON R. YUHASZ
ADAM S. ZACHER
RANDY ZAMORA
CARLA N. ZEPPIERI
PAUL D. ZIEGLER JR.
DANIEL F. ZIMMERMAN
DAVID E. ZIRINGER
HARALD ZUNDEL

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. DUANE A. WILLS [redacted]

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be admiral

VICE ADM. HENRY G. CHILES, JR. [redacted]

THE FOLLOWING NAMED OFFICERS TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER

THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be vice admiral

VICE ADM. ROBERT K.U. KIHUNE xxx-xx-xx...
VICE ADM. STEPHEN F. LOFTUS xxx-xx-xx...
REAR ADM. EDWIN R. KOHN, JR. xxx-xx-xx...

THE FOLLOWING-NAMED REAR ADMIRALS (LOWER HALF) IN THE LINE OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF REAR ADMIRAL, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

UNRESTRICTED LINE OFFICER

To be rear admiral

RADM(LH) JOSEPH JOHN DANTONE, JR. xxx-xx-xx...
RADM(LH) ROBERT PHILIP HICKEY xxx-xx-xx...
RADM(LH) JAY LYNN JOHNSON xxx-xx-x...
RADM(LH) JOHN ALLEN LOCKARD xxx-xx-x...
RADM(LH) JOSEPH SCOTT WALKER xxx-xx-xx...

IN THE COAST GUARD

THE FOLLOWING CADETS FROM THE UNITED STATES COAST GUARD ACADEMY ARE NOMINATED FOR APPOINTMENT TO THE GRADE OF ENSIGN.:

SHARIF A. ABDRABBO
LARA A. ALLISON
SCOTT ANDERSON
CHRISTOPHER J. ANDRES
PATRICK D. ARCHIBALD
JENNIFER H. ARKO
DESARAE ATNIP
KENNETH P. BACKES
DONALD E. BADER
CHRISTINE F. BALKON
JON N. BALLWEBER
TODD S. BARDIN
MICHAEL D. BARNER
ERICH J. BAUER
RICHARD W. BAUMGARTNER
LANCE C. J. BELBEN
THOMAS H. BELL
TARAH K. BELL
DAMON L. BENTLY
TROY A. BERRY
CLINT D. BERRY
ERIC T. BLACKBURN
MEGAN A. BLACKEBY
RICHARD G. BOSTON
GARY R. BOWEN
MICHAEL J. BRANDHUBER
TINA M. BRIAND
JAMES J. BROGAN
MARKO R. BROZ
STEPHEN V. BURDIAN
ROBERT R. BURKE
JAY D. CAMPBELL
MICHAEL E. CAMPBELL
SEAN M. CARROLL
CHRISTOPHER W. CARTER
KEVIN M. CHANDLER
CHRISTOPHER M. CHASE
BENJAMIN H. CLARK
KURT A. CLARKE
JAMES T. COBB
LAURA D. COLLINS
CHRISTOPHER J. CONLEY
RYAN T. COOK
THOMAS F. COOPER
DAVID W. COOPER
THOMAS L. COPELAND
SEAN M. CROSS
RUSSELL E. DASH
ANTHONY P. DAVIS
CHRISTINA M. DELEON
CHAD K. DEMAREST
STEPHEN W. DEPEW
JOH C. DETTLEFF
CRAIG G. DEWALT
DAVID C. DIAZ
WILLIAM H. DINKELMANN
ANGELIC D. DONOVAN
ROBERT J. DORAN III
JOSEPH S. DEFRESNE
JOSEPH A. DUGAN
EDWARD L. DUGGS
TODD H. EICHBERG
JAMES P. ESPINO
COLLIN T. FAGAN
THERESA N. FASCESKI
MATTHEW J. FAY
CHRISTIAN A. FERGUSON
ERIC V. FINGER
WILL R. FORD
RICHARD J. FRATTARELLI
MICHAEL J. FRENDER
CHRISTOPHER M. FRITZ
CHRISTOPHER A. GALE
MARIA G. GALMAN
JORGE C. GARRIDO
TREVER R. GEORGE
KRISTOPHER K. GHOLSON
KYE M. GILDER
BRIAN C. GLANDER
MARK A. GOLDEN
DOUGLAS D. GOODWIN
KEVIN E. GOUNAUD
JOHN P. GREGG III
GEORGE G. GRILLS
SEAN J. GRYGIEL
TODD A. HAVILAND
TIMOTHY L. HAWS
DAWN M. HEATH
DANIELLE L. HEMBROOK
PAUL J. HENNELLY
JAMES J. HERLONG
JONATHAN HICKEY
NATHAN C. HIMES
JOHN HOLLINGSWORTH
JAMES F. HOUCK
THOMAS T. HUBBLE
MICHAEL D. HURSTA
TRAC T. T. HUYNH
WILLIAM HYDE
TODD S. JAMES
TANYA L. JEITZ
CHRISTOPHER J. JENSEN
KURT T. KACPRZYNSKI
THOMAS J. KAMINSKI
ROBERT S. KEISTER
SCOTT A. KEISTER
KENNETH J. KENDRA
JOHN W. KENNEDY
KIRK W. KINDER
KEVEN M. KING
DAVID J. KING
VERNON L. KIPP
JADON KLOPSON
MARC W. KNOWLTON
DENNIS KOHANYI
ALO H. KONSEN
BRIAN K. KOSHULSKY
SHERMAN M. LACEY
SCOTT C. LALIBERTE
CHASE R. LANDON
DOUGLAS LIESS
JOSEPH B. LORING
JENNIFER H. LUCAS
MARK MACANGA
GREGORY H. MAGEE, JR.
JAY E. MAIN
RYAN D. MANNING
PIERRE G. MARTEL
DAVID J. MARTYN
MICHAEL C. MCKEAN
JOSHUA D. MCTAGGART
CARL R. MESSALLE
JOHN B. MICKETT
ANDREA G. MILLER
ERIC J. MILLER
DENISE MINAKOWSKI
KEVIN W. MOHR
MARK G. MOLAND
JOSE E. MORA
ELIZABETH A. MORE
MATTHEW J. MOREHEAD
JOHN A. MORRISON
RYAN W. MURPHY
THOMAS F. MURRAY
GREGORY W. MYERS
PATRICK S. NELSON
BRIAN K. NORBERG
BRIAN C. NUTTER
ELAINE A. O'BRIEN
TOBIAS M. OLSEN
DANIEL J. OSTERGAARD
NORBERT J. PAIL
RONALD PAILLIOTET
DANIEL K. PICKLES
STACEY A. POMMERENCK
JOHN W. PRUITT III
RICHARD K. PURRIER
JONATHAN Q. QUACH
REBECCA M. RABAGO
THOMAS C. REMMERS
BRENDON H. RITZ
JOHN G. RIVERS
CHRISTOPHER C. ROACH
LEE M. ROSENBAUM
CHRISTOPHER M. ROTELLA
ERIC W. RUBIO
GENNARO A. RUOCCO
PATRICK C. SCHREIBER
LISA H. SCHULZ
JENNIFER A. SCOTT
JERROLD N. SGOBBO
PATRICK J. SHAW
AREX B. SIGNEY
DOUGLAS C. SIMPSON
VINCENT J. SKWAREK
SHAWN A. SLAYTON
MATTHEW B. SMITH
CALE M. SMITH
JON S. SMITHERS
BRANDON L. STACK
MICHAEL S. STEWART
TIFFANY M. STUBBENDECK
PAUL D. STUKUS
CURTIS L. SUMROK
JOSEPH J. SUNDLAND
RICHARD T. SUNDLAND
JAMES P. SUTTON
JASON F. SWIM
FRANCES M. TASSONE
PATRICIA E. TATE
TOBIAH T. TAYLOR
CONRAD R. THEROUX
MARC A. THIBAULT
CHRISTOPHER A. THORPE
RITCHER L. TIPTON
GREGORY B. TLAPA
TRISTAN N. TODD
STEPHEN J. VANESSENDELFT
ELIZABETH F. VARELY
CURTIS L. VIRKAITIS
MARK VISLAY, JR.
MARK R. VLAUN
TERRY VOGLER
JOHN T. WALTHALL
ADAM R. WASSERMAN
AARON E. WATERS
SCOTT J. WEAVER
CHRISTINA WENDEROTH
WARREN J. WHEALTON
MATTHEW T. WHITE
STEPHEN R. WHITE
CRAIG J. WIESCHHORSTER
DAVID S. WILHELM
JOSHUA D. WITTMAN
TODD L. WIZA
HOWARD H. WRIGHT
ANN L. ZEARFOSS
APRIL I. ZOHN
ANNA E. ZUKAS
KATHLEEN A. ZYGMUNT

IN THE ARMY

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE. THE OFFICER IDENTIFIED WITH AN ASTERISK IS ALSO BEING NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE.

DENTAL CORPS

To be lieutenant colonel

*MARSHALL R. COX xx...

MEDICAL CORPS

To be major

JEFFREY J. SOLDATIS, x...

IN THE NAVY

THE FOLLOWING-NAMED COMMANDERS IN THE LINE OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF CAPTAIN, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFORE AS PROVIDE BY LAW:

UNRESTRICTED LINE OFFICERS

To be captain

KRIS TIMERMAN ACKERBAUER
MARK REED MILLIKEN

THE FOLLOWING-NAMED LIEUTENANT COMMANDER IN THE LINE OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF COMMANDER, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFORE AS PROVIDED BY LAW:

UNRESTRICTED LINE OFFICER

To be commander

RICHARD BURTON WREN

THE FOLLOWING-NAMED LIEUTENANTS IN THE LINE OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF LIEUTENANT COMMANDER, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFORE AS APPROVED BY LAW:

UNRESTRICTED LINE OFFICERS

To be lieutanant commander

TIMOTHY EUGENE DURST
DAVID MICHAEL FOX

THE FOLLOWING-NAMED LIEUTENANT IN THE STAFF CORPS OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF LIEUTENANT COMMANDER, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFORE AS PROVIDED BY LAW:

MEDICAL CORPS OFFICER

To be lieutenant commander

JOHN H. HEALEY

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTION 3366:

ARMY PROMOTION LIST

To be lieutenant colonel

MICHAEL S. ABBOTT xxx-xx-x...
ALLEN R. ABELL xxx-xx-x...
ROBERT ABERNATHY xxx-xx-x...
LEROY ABNER xxx-xx-x...
DOUGLASS ABRAMSON xxx-xx-x...
THOMAS F. ADAMCYK xxx-xx-x...
JOHN J. ADAMS xxx-xx-x...
ROBERT E. ADAMSKI xxx-xx-x...
SIMPLICIO AGANAD xxx-xx-x...
WILLIAM AGRICOLA xxx-xx-x...
JOHN H. AILPORT xxx-xx-x...
WILLIAM J. AIRD xxx-xx-x...
JEFFREY AKAMATSU xxx-xx-xx...
ALAN K. AKERS xxx-xx-x...
RICHARD S. ALBERG xxx-xx-x...
HANS D. ALBINUS xxx-xx-x...
WILLIAM L. ALDRED xxx-xx-x...
DAVID N. ALEXANDER xxx-xx-x...
ROBERT E. ALEXANDER xxx-xx-x...
ROBERT W. ALEXANDER xxx-xx-x...
ROLAND C. ALEXANDER xxx-xx-x...
BRUCE E. ALLEN xxx-xx-x
DON S. ALLEN xxx-xx-x...
CHARLES R. ALSBURY xxx-xx-x...
RODNEY G. ALSUP xxx-xx-x...
ROBERT F. ALTHERR xxx-xx-xx...
BARBARA J. AMSTER xxx-xx-x...
SUSAN P. ANDERS xxx-xx-x...
GARY E. ANDERSEN xxx-xx-x...
DANIEL G. ANDERSON xxx-xx-x...
JOHN W. ANDERSON xxx-xx-x...
MARTIN F. ANDERSON xxx-xx-x...
MYRON L. ANDERSON xxx-xx-x...
STEPHEN ANDERSON, xxx-xx-...
WILLIAM ANDERSON xxx-xx-x...
DONALD C. ANDERTON xxx-xx-x...
WALTER S. ANSEL xxx-xx-x...
HAROLD S. ANSELL xxx-xx-x...
PERRY E. ANTHONY xxx-xx-x...
HARRY R. ARCHER, xxx-xx-x...
HARRY AREND xxx-xx-x...
KEITH O. ARLUND xxx-xx-x...
ROBERT ARMSTRONG xxx-xx-x...
RUSSELL D. ARNESON xxx-xx-x...
JOHN J. ARNOLD xxx-xx-x...
OSCAR W. ASCHERL xxx-xx-x...
BRUCE W. ASHMAN, xxx-xx-x...
JANICE L. ATWOOD xxx-xx-x...
JOHN P. AUBIN xxx-xx-x...
SAMUEL P. AUSBAND xxx-xx-x...
STEVE P. AUSTIN xxx-xx-xx...
REMY E. AUTZ xxx-xx-x...
MARIO AVILA xxx-xx-x...
DONALD E. BACHAND xxx-xx-x...
STEVEN A. BACKER xxx-xx-x...
ERNEST M. BAILEY xxx-xx-x...
LARRY J. BAILEY xxx-xx-xx...
RICHARD A. BAIR xxx-xx-x...
THOMAS A. BAIRD xxx-xx-x...
DAVID L. BAKER xxx-xx-x...
RONALD G. BAKER xxx-xx-x...
STANFORD C. BAKER xxx-xx-x...
WAYNE R. BAKER xxx-xx-x...
DANNY C. BALDWIN xxx-xx-x...
ROBERT N. BALENTON xxx-xx-x...
WILLIAM D. BALIS xxx-xx-x...
VERNON C. BALLARD xxx-xx-x...
ALBERT BARDAYAN xxx-xx-x...
JAMES BARFKNECHT xxx-xx-x...
DAVID J. BARISANO xxx-xx-x...
JAMES W. BARKELL xxx-xx-x...
MICHAEL D. BARKS xxx-xx-x...
FREDDIE L. BARNARD xxx-xx-x...
MICHAEL L. BARNES xxx-xx-x...
DANIEL W. BARR xxx-xx-x...
MARIANNE BARR xxx-xx-x...
CURTISS O. BARROWS xxx-xx-x...
PAMELA S. BARTON xxx-xx-x...
FREDERICK BARUZZI xxx-xx-x...
SILVIO J. BARUZZI xxx-xx-xx...
HOMER J. BASH xxx-xx-x...
JOHN W. BASS xxx-xx-x...
EDWARD O. BAST xxx-xx-x...
JAMES W. BATES xxx-xx-x...
CHARLES E. BATTLE xxx-xx-xx...
SCOTT W. BAXTER xxx-xx-x...
THOMAS A. BAY xxx-xx-x...
MICHAEL A. BEAM xxx-xx-x...
PENNY A. BEAMER xxx-xx-x...
ROBERT A. BEAN xxx-xx-x...
IGNATIUS B. BEANS xxx-xx-x...
BENEDICT BEARDSLEY xxx-xx-x...
JOHN S. BEAVER xxx-xx-x...
MARK D. BECHER xxx-xx-x...
LARRY D. BECKER xxx-xx-x...
DAVID J. BEINING xxx-xx-x...
JAMES R. BEIRNES, JR. xxx-xx-xx...
KENNETH W. BELL xxx-xx-x...
RICHARD R. BELL xxx-xx-x...
CHRISTINE BENDAS xxx-xx-x...
EDGAR L. BENJAMIN xxx-xx-x...
LUCION A. BENNETT xxx-xx-x...
JON D. BERLIN xxx-xx-x...
CHARLES BERNSTEIN, xxx-xx-...
GERALDEA BETTERSON xxx-xx-x...
GERALD R. BETTY xxx-xx-x...
MICHAEL S. BEVILLE xxx-xx-x...
CHARLES R. BICKERS xxx-xx-x...
ROBERT J. BILOUS xxx-xx-x...
JAMES E. BIRKHIMER xxx-xx-x...
JACK R. BISHOP xxx-xx-x...
LEONARD W. BISHOP xxx-xx-x...
DAVID BLACKLEDGE xxx-xx-x...
KENNET BLACKLEDGE xxx-xx-x...
GERALD BLACKWELL xxx-xx-x...
WILLIAM P. BLAICH xxx-xx-x...
HOMER D. BLAIR xxx-xx-x...
JAMES R. BLEVINS xxx-xx-x...
DANIEL BLOODWORTH xxx-xx-x...
MATTHEW P. BLUE III xxx-xx-x...

ROBERT L. BOATNER xxx-xx-x...
MICHAEL BOATRIGHT xxx-xx-x...
KEITH BOBENMOYER xxx-xx-x...
LARRY BOCCAROSSA xxx-xx-x...
DOUGLAS B. BOCK xxx-xx-x...
ROBERT J. BOLLIG xxx-xx-xx...
ROBERT C. BOLTON xxx-xx-x...
RAYMOND J. BONDY xxx-xx-x...
DANIEL G. BONNET xxx-xx-x...
RALPH E. BOOKER xxx-xx-x...
RONNIE M. BOOKER xxx-xx-x...
DONALD V. BOOTH xxx-xx-x...
DONALD W. BORRMANN xxx-xx-x...
PAUL S. BOUNDS xxx-xx-x...
KENNETH M. BOURNE xxx-xx-x...
LAWRENCE BOUTERIE xxx-xx-x...
JAMES J. BOUTIN xxx-xx-xx...
THOMAS M. BOWE xxx-xx-x...
PHILLIP E. BOWEN xxx-xx-x...
RICKI F. BOWER xxx-xx-x...
KERRY A. BOWERS xxx-xx-x...
ROBERT W. BOWERS xxx-xx-x...
ROBERT J. BOWLES xxx-xx-xx...
RONALD D. BOWLING xxx-xx-x...
GERALD M. BOYD xxx-xx-x...
ROBERT G. BRAAF xxx-xx-x...
KERRY M. BRACEY xxx-xx-x...
GARY R. BRADDOCK xxx-xx-x...
WENDELL BRADFORD xxx-xx-x...
THOMAS M. BRADLEY xxx-xx-x...
DAVID A. BRADSHAW xxx-xx-x...
BARRY H. BRAMWELL xxx-xx-x...
DAVID H. BRANDT xxx-xx-x...
JOHN D. BRANDT xxx-xx-x...
JAMES F. BRANNON xxx-xx-x...
HENRY K. BRASWELL xxx-xx-x...
JAMES M. BREGE xxx-xx-xx...
LEON BREIDENSTEIN xxx-xx-x...
ALVIN L. BRIDGES xxx-xx-x...
MARC D. BRIERRE xxx-xx-x...
RALPH A. BRILEY xxx-xx-x...
WALLACE BRITTAIN xxx-xx-x...
DAVID G. BRITTEN xxx-xx-x...
BENNIE O. BROOKS xxx-xx-x...
RUSSELL L. BROOKS xxx-xx-x...
THOMAS G. BROOKS xxx-xx-x...
TILDEN L. BROOKS xxx-xx-x...
ROBERT D. BROSHAR xxx-xx-x...
BRUCE B. BROWN xxx-xx-x...
HARRY B. BROWN III xxx-xx-x...
R. D. BROWN xxx-xx-x...
WILLIAM J. BROWN xxx-xx-x...
SHELDON J. BRUCE xxx-xx-x...
JAMES A. BRYANT xxx-xx-x...
GARY T. BUBLITZ xxx-xx-x...
FREDERICK J. BUCK xxx-xx-x...
LINDA M. BUCKNER xxx-xx-x...
RONALD V. BUETTNER xxx-xx-x...
JAMES T. BULLARD xxx-xx-xx...
PHILLIP R. BURCH xxx-xx-xx...
BENJAMIN BURGOS xxx-xx-x...
JAMES W. BURKE xxx-xx-x...
JOHN M. BURKE xxx-xx-x...
THOMAS J. BURLESON xxx-xx-x...
CHARLES BURNS xxx-xx-x...
JOHN W. BURNS xxx-xx-x...
GARY S. BURROW xxx-xx-x...
JOHN M. BUTTINE xxx-xx-x...
JEFFERY K. BUTTS xxx-xx-xx...
ROBERT A. BYES xxx-xx-x...
LEBARON BYRD xxx-xx-x...
JAMES H. BYTNAR xxx-xx-x...
HORACIO A. CABRERA xxx-xx-x...
GARY S. CALABRESE xxx-xx-x...
DAVID B. CALDWELL xxx-xx-x...
DONALD S. CALDWELL xxx-xx-x...
RICHARD CALDWELL xxx-xx-x...
GERALD L. CALHOUN xxx-xx-x...
LYNN D. CAMERDON xxx-xx-x...
ALELBERT CAMPBELL xxx-xx-x...
BENJAMIN CAMPBELL xxx-xx-x...
HAROLD W. CAMPBELL xxx-xx-x
JOHN T. CAMPBELL xxx-xx-x...
ROLAND L. CANDEE xxx-xx-x...
JAMES F. CANNON xxx-xx-x...
LUCIEN G. CANTON xxx-xx-x...
AMADOR R. CANTU xxx-xx-x...
FRANCIS G. CAPUTO xxx-xx-x...
STEVEN L. CAREY xxx-xx-x...
DONALD L. CARLSON xxx-xx-x...
STANELY J. CARLSON xxx-xx-x...
JOHN B. CAROON xxx-xx-x...
PETER A. CAROZZA xxx-xx-x...
DONALD E. CARROLL xxx-xx-x...
JOHN D. CARROLL xxx-xx-x...
JOHN E. CARTER xxx-xx-x...
C. C. CARUSO xxx-xx-x...
JOHN P. CASCIANO xxx-xx-x...
BRUCE A. CASELLA xxx-xx-x...
EDWIN S. CASTLE xxx-xx-x...
WILLIAM T. CEARLEY xxx-xx-x...
DANIEL F. CHANDLER xxx-xx-x...
DAVID A. CHANK xxx-xx-x...
CRAIG S. CHAPMAN xxx-xx-x...
NORMAN CHARLEVILLE xxx-xx-x...
JACK R. CHARLTON xxx-xx-x...
WILLIAM O. CHATWIN xxx-xx-x...
GERALD CHERNICOFF xxx-xx-x...
DOUG CHESNULOVITCH xxx-xx-x...
DENNIS CHOJNOWSKI xxx-xx-x...
THOMAS CHRISTENSEN xxx-xx-x...
REYNOL CHRISTENSON xxx-xx-x...
LARRY J. CHRISTIAN xxx-xx-xx...
GEORGE W. CHURCH xxx-xx-x...
HARRY M. CHURCH xxx-xx-x...
WALTER CHYTERBOK xxx-xx-x...
DENNIS C. CLAMAN xxx-xx-x...
BRENT L. CLARK xxx-xx-x...
CHARLES J. CLARK xxx-xx-x...
EUGENE H. CLARK xxx-xx-x...
GEORGE A. CLARKE xxx-xx-x...
JEFFREY CLARY xxx-xx-xx...
DONALD J. CLAYE xxx-xx-x...
LESTER L. CLEMENT xxx-xx-xx...
DAVID E. CLEMONS xxx-xx-x...
ROBERT C. CLOUSE xxx-xx-x...
WILLIAM G. COBB xxx-xx-x...
ROBERT D. COCHRAN xxx-xx-x...
MICHAEL J. COFFEY xxx-xx-xx...
RICHARD A. COHOON xxx-xx-x...
MICHAEL H. COKER xxx-xx-x...
MICHAEL W. COLBERT xxx-xx-x...
LLOYD V. COLE xxx-xx-x...
RICHARD A. COLE xxx-xx-x...
MICHAEL COLEGROVE xxx-xx-x...
PAUL D. COLEMAN xxx-xx-x...
GARY M. COLLINS xxx-xx-x...
JEFFREY M. COLLINS xxx-xx-xx...
JOHN T. COLLINS xxx-xx-x...
MARTIN D. COMPTON xxx-xx-x...
BARRY E. CONBOY xxx-xx-x...
RONALD P. CONLEY xxx-xx-x...
DAVID H. CONNOLLY xxx-xx-x...
VICTOR D. CONTI xxx-xx-x
CARL R. COOK xxx-xx-x...
CURTIS L. COOK xxx-xx-x...
JOHN B. COOLEY xxx-xx-x...
STEPHEN A. COOLEY xxx-xx-x...
WILLIAM H. COOPER xxx-xx-x...
JOHN J. COPELAN, JR. xxx-xx-xx...
GALE P. CORBIN xxx-xx-x...
REBECCA S. CORD xxx-xx-x...
JOHN A. COREY xxx-xx-x...
JAMES A. CORMAN xxx-xx-x...
LOUIS F. COROSO xxx-xx-...
JAMES L. CORRELL xxx-xx-xx...
JAMES W. CORRIVEAU xxx-xx-x...
ROBERT O. CORTEZ xxx-xx-x...
JAMES H. COSTON xxx-xx-x...
JAMES E. COUCH xxx-xx-x...
ARDWOOD COURTNEY xxx-xx-x...
RAY A. COURTNEY xxx-xx-x...
ROBERT D. COWEN xxx-xx-x...
JEREL L. COX xxx-xx-x...
JOHN A. COX xxx-xx-x...
HAROLD W. COYLE xxx-xx-x...
HARRY G. CRAMER xxx-xx-x...
DAMIAN K. CRANE xxx-xx-x...
LYNN D. CRAWFORD xxx-xx-x...
ROBERT L. CRAWFORD xxx-xx-x...
SALVATORE CREMONA xxx-xx-x...
DAVID H. CRESS xxx-xx-x...
FRED D. CROSS xxx-xx-x...
RANDY K. CROSS xxx-xx-x...
WILLIAM B. CUDE xxx-xx-x...
LOUISA L. CULLEM xxx-xx-x...
JAMES W. CULLUM xxx-xx-x...
JOHN D. CULP xxx-xx-x...
EDWARD R. CUMMINGS xxx-xx-x...
STEPHEN D. CURLEE xxx-xx-xx...
DANIEL O. CURRAN xxx-xx-x...
THOMAS P. CUSIMANO xxx-xx-x...
MICHAEL E. CUTTS xxx-xx-x...
JEAN L. DABREAU xxx-xx-x...
CLYDE DAELLENBACH xxx-xx-x...
DAVID C. DAHL xxx-xx-x...
WALTER DAHLMANN xxx-xx-x...
CHARLES T. DALBEC xxx-xx-x...
THEODORE DALIGDIG xxx-xx-x...
JOHN M. DALINIS xxx-xx-x...
BRIAN E. DALY xxx-xx-x...
JOE C. DANIEL xxx-xx-x...
WARREN A. DANIEL xxx-xx-x...
PATRICIA DANIELS xxx-xx-xx...
JAMES M. DAPORE xxx-xx-xx...
BYRON M. DARNELL xxx-xx-x...
DAVID E. DAVENPORT xxx-xx-x...
JAMES E. DAVENPORT xxx-xx-xx...
MARY E. DAVENPORT xxx-xx-x...
WILLIE DAVENPORT xxx-xx-x...
JAMES D. DAVIDSON xxx-xx-x...
ROBERT A. DAVIDSON xxx-xx-x...
ALVIN A. DAVIS xxx-xx-x...
ELBERT B. DAVIS xxx-xx-x...
JEFFREY A. DAVIS xxx-xx-xx...
JOHN G. DAVIS xxx-xx-x...
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RALPH C. DAVIS xxx-xx-x...
ROBERT E. DAVIS xxx-xx-x...
WILLIAM A. DAVIS xxx-xx-x...
GARY M. DAWSON xxx-xx-x...
JESSE L. DAY xxx-xx-x...
KENNETH M. DAY xxx-xx-x...
RICHARD L. DAY xxx-xx-x...
ANTHONY DEBARTOLI xxx-xx-x...
GEORGE V. DECASTRO xxx-xx-x...
WILLIAM A. DECKER xxx-xx-x...
LEON G. DEHAVEN xxx-xx-x...
DAVID P. DEKORTE xxx-xx-x...
PETER A. DELIA xxx-xx-xx...
DAVID P. DEMERS xxx-xx-x...
DONALD J. DEMETZ, JR. xxx-xx-xx...
HUGH M. DENNY xxx-xx-x...
JAMES A. DENSLEY xxx-xx-x...
GARRY J. DERAMUS xxx-xx-x...
SAMUEL A. DEROCCO xxx-xx-x...
ROBERT W. DERR xxx-xx-x...
CHARLES DETULLEO xxx-xx-x...
FREDERICK DEWALD xxx-xx-x...
EDGARDO DIAZ xxx-xx-x...
PEDRO E. DIAZ xxx-xx-x...
GLEN W. DICKEN xxx-xx-x...
STANLEY DICKERSON xxx-xx-x...
DAVID F. DICKSON xxx-xx-x...
CARL D. DIETZ xxx-xx-x...
KENNETH R. DILEONE xxx-xx-x...
THOMAS L. DILEY xxx-xx-x...
JOHN C. DILLARD xxx-xx-x...
ANTHONY DIMARZIO xxx-xx-x...
JERRY DINKELACKER xxx-xx-x...
CARL DISALVATORE xxx-xx-x...
LOUIS F. DISANTO xxx-xx-x...
DIXON, LINDA J. xxx-xx-x...
EDWARD DLUGOLENSKI xxx-xx-x...
DENNY P. DOBBINS xxx-xx-x...
JOHN P. DOBYNS xxx-xx-x...
CLEMENT P. DONELON xxx-xx-x...
DANIEL F. DONOHUE xxx-xx-x...
KENNETH E. DONOVAN xxx-xx-x...
ROBERT J. DONOVAN xxx-xx-x...
RONALD E. DONOVAN xxx-xx-x...
JOHN P. DORAN xxx-xx-x...
PAUL E. DORR xxx-xx-x...
JOHN F. DOUGLAS xxx-xx-x...
DAVID J. DOUGLASS xxx-xx-x...
CLARENCE A. DOVER xxx-xx-x...
WALTER G. DRAGO xxx-xx-x...
CLAIR L. DRAPER xxx-xx-xx...
JOHN R. DREBUS xxx-xx-x...
JON W. DRYSDALE, JR. xxx-xx-xx...
PATRICK DUCHATEAU xxx-xx-x...
GEORGE M. DUDLEY xxx-xx-x...
GILFORD C. DUDLEY xxx-xx-x...
EDWARD R. DUGGER xxx-xx-x...
WILLIAM B. DULING xxx-xx-x...
ARTHUR H. DUMAS xxx-xx-x...
AUGUSTAV M. DUNCAN xxx-xx-x...
JAN E. DUNKELBERG xxx-xx-xx...
DOUGLAS E. DUNLAP xxx-xx-x...
ROBERT M. DUNN xxx-xx-x...
JAMES J. DUNPHY xxx-xx-xx...
WARREN L. DUPUIS xxx-xx-x...
LOUIS R. DUYNYA xxx-xx-x...
DANIEL G. DUTRO xxx-xx-x...
GILBERT DVORACEK xxx-xx-x...
ALLAN G. DYER xxx-xx-x...
CHERYL A. DYER xxx-xx-x...
JOSEPH D. DYESS xxx-xx-xx...
STANLEY J. DYKSTRA xxx-xx-xx...
TODD L. EADS xxx-xx-x...
CHARLES EAGLESON xxx-xx-x...
ANTHONY D. ECHOLS xxx-xx-x...
WILLIAM S. ECK xxx-xx-x...
STEVEN D. ECKER xxx-xx-x...
LYAL A. EDGHILL xxx-xx-x...
GREGORY B. EDWARDS xxx-xx-x...
JAMES L. EDWARDS xxx-xx-x...
RONALD T. EDWARDS xxx-xx-x...
STEVEN C. EDWARDS xxx-xx-x...
ERIC O.L EGAN xxx-xx-xx...
DENNIS J. EICHER xxx-xx-xx...
DENNIS W. ELDRIDGE xxx-xx-x...
CHARLES E. ELGIN xxx-xx-x...
MELVIN ELLIOTT xxx-xx-x...
KEITH K. ELLMERS xxx-xx-xx...
TERRY E. ELMORE xxx-xx-x...
RICHARD, ELTZROTH xxx-xx-x...
FREDERICK EMEHISER xxx-xx-xx...
MARVIN E. EMERSON xxx-xx-x...
DAVID G. ENG xxx-xx-x...
RANDALL EPPERSON xxx-xx-xx...
STEVEN H. EPPERSON xxx-xx-xx...
TERRY L. ERBERT xxx-xx-xx...
ROBERT C. ERICKSON xxx-xx-x...
WALLACE ERICKSON xxx-xx-x...
DONALD M. ERNST xxx-xx-x...
SALVATOR ERVOLINA xxx-xx-x...
MARIS H. ESHLEMAN xxx-xx-x...
THOMAS L. ESKER xxx-xx-x...
MICHAEL ESSELMAN xxx-xx-x...
LARRY D. ETZKORN xxx-xx-x...
TIMOTHY T. EUM xxx-xx-x...
ALYCIA M. EVANS xxx-xx-x...
DAVID L. EVANS xxx-xx-x...
JEFFREY C. EVANS xxx-xx-xx...
MICHAEL E. EVANS, SR. xxx-xx-xx...
ROBERT R. EVANS xxx-xx-x...
STEPHEN L. EYNARD xxx-xx-xx...
REGINALD J. FADDEN xxx-xx-xx...
FRANK J. FAHR xxx-xx-xx...
BROCK T. FALLON xxx-xx-x...
CHARLES J. FANDEL xxx-xx-xx...
MARGIT A. FARMER xxx-xx-x...
ROBERT E. FARMER xxx-xx-xx...
MICHAEL E. FARRELL xxx-xx-xx...
RALPH R. FARRELL xxx-xx-xx...
THOMAS D. FARRELL xxx-xx-xx...
SCOTT W. FAUGHT xxx-xx-x...
CHARLES FAULCONER xxx-xx-x...
MICHAEL J. FECHIK xxx-xx-x...
GEORGE M. FEENEY xxx-xx-x...
DAVID L. FELKER xxx-xx-xx...
MARK S. FENICE xxx-xx-x...
JAMES M. FERGUSON xxx-xx-xx...
JOSE FERNANDEZ RUIZ xxx-xx-xx...

PETER J. FERRARA, xxx-xx-x...
PAUL T. FERRELL, xxx-xx-...
WILLIAM A. FERRELL, xxx-xx-x...
MICHAEL A. FERRILL, xxx-xx-x...
THEODORE G. FERY, xxx-xx-...
RICHARD L. FETZER, xxx-xx-x...
KENNETH L. FIELDS, xxx-xx-...
ROBERT L. FINN, xxx-xx-...
DAVID V. FINNELL, xxx-xx-...
JOSEPH W. FISCHER, xxx-xx-...
ALAN L. FISHER, xxx-xx-...
DONALD D. FITHIAN, xxx-xx-x...
LAWRENCE FITTING, xxx-xx-x...
MICHAEL FITZPATRICK, xxx-xx-x...
GARY J. FLEMING, xxx-xx-x...
EDWIN F. FLINT, JR., xxx-xx-...
ROLAND A. FLORES, xxx-xx-...
TERRY FOBBS, xxx-xx-x...
GERALD W. FONTENOT, xxx-xx-...
GARY D. FORD, xxx-xx-...
STEVEN T. FORD, xxx-xx-x...
KENNETH A. FORREST, xxx-xx-...
MACK H. FOUNTAIN, xxx-xx-x...
WILLIAM FOUNTAIN, xxx-xx-...
DANIEL G. FOUST, xxx-xx-x...
DEAN R. FOUST, xxx-xx-...
FREDERICK FOWLER, xxx-xx-x...
JOHN B. FOWLER, xxx-xx-...
SAMUEL R. FOWLER, xxx-xx-x...
ROGER A. FOWLES, xxx-xx-x...
JAMES A. FRALEY, xxx-xx-x...
MURRAY L. FRANZ, xxx-xx-x...
SCOTT L. FRASER, xxx-xx-x...
JAMES R. FREEMAN, xxx-xx-x...
IAN G. FRENCH, xxx-xx-...
THOMAS E. FRICKS, xxx-xx-...
JOHN FRIEDLANDER, xxx-xx-x...
LARRY P. FRIEND, xxx-xx-...
CHARLES F. FRISCH, xxx-xx-...
JOHN D. FRITZ, xxx-xx-...
SANDRA L. FRITZ, xxx-xx-...
WILLIAM R. FROST, xxx-xx-x...
KEITH W. FRUEHAN, xxx-xx-...
ANTHONY D. FUGER, xxx-xx-x...
RODNEY K. FULLER, xxx-xx-...
KURT A.GABEL, xxx-xx-...
BOBBY L. GADDIS, xxx-xx-...
RICHARD GAGLIARDO, xxx-xx-x...
AUSTIN P. GAINES, xxx-xx-...
BARRY B. GALLAGHER, xxx-xx-x...
ROBERT L. GALLAWAY, xxx-xx-x...
WILLIAM F. GALVIN, xxx-xx-...
BARBARA D. GARCIA, xxx-xx-x...
DELORIS A. GARDER, xxx-xx-x...
GLENN H. GARDNER, xxx-xx-...
JOSEPH C. GARDNER, xxx-xx-x...
GARY H. GARRETT, xxx-xx-...
PETER H. GARRETT, xxx-xx-x...
STEPHEN GARRINGTON, xxx-xx-x...
HOWARD E. GARVAR, xxx-xx-...
JAMES J. GARVEY, xxx-xx-x...
RAYMOND E. GARVEY, xxx-xx-x...
JOSEPH W. GENTILE, xxx-xx-...
DONALD D. GERIG, xxx-xx-...
DAVID R. GERLACH, xxx-xx-x...
ROBERT J. GIBBS, xxx-xx-...
CHARLES D. GIBSON, xxx-xx-...
JOE C. GILES, xxx-xx-...
KAREN S. GILLETT, xxx-xx-...
DANIEL P. GILLIGAN, xxx-xx-x...
ROGER E. GILLUM, xxx-xx-...
THOMAS F. GILPIN, xxx-xx-...
BRUCE W. GINN, xxx-xx-...
MARK A. GINN, xxx-xx-...
MARK R. GIROLAMO, xxx-xx-x...
ALLEN W. GLASS, xxx-xx-...
JOHN P. GLENN, xxx-xx-x...
JOHN T. GLISSON, xxx-xx-...
ROBERT D. GLOVER, xxx-xx-...
RAYMOND GODLESKI, xxx-xx-x...
KATHLEEN GODSALL, xxx-xx-x...
JOSEPH GOLDBERG, xxx-xx-x...
PETER S. GOLDBERG, xxx-xx-x...
FRANCIS G. GOMOLKA, xxx-xx-x...
LOUIE GONZALES, xxx-xx-x...
MANUEL E. GONZALEZ, xxx-xx-x...
GERALD L. GOOCH, xxx-xx-...
ALLEN L. GOODINE, xxx-xx-...
JOHN A. GOSHORN, xxx-xx-x...
JUNE E. GOTOWICKI, xxx-xx-x...
JAMES L. GOUGH, xxx-xx-...
JON G. GRABER, xxx-xx-x...
THOMAS V. GRAHAM, xxx-xx-x...
DAVID D. GRAY, xxx-xx-...
ROBERT B. GRAY, xxx-xx-...
ROBERT E. GRAY, xxx-xx-x...
HORST G. GRECZMIEL, xxx-xx-x...
BILLY R. GREEN, xxx-xx-...
STANLEY GREENWOOD, xxx-xx-x...
NANCY L. GREGG, xxx-xx-...
GORDON GREMILLION, xxx-xx-...
WAYNE P. GRESH, xxx-xx-x...
ALAN E. GRICE, xxx-xx-...
JOHN A. GRIECO, xxx-xx-...
DANIEL F. GRIGSON, xxx-xx-...
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ROBERT L. GRONSKI, xxx-xx-...
JAMES J. GROSS, xxx-xx-...
WILLIAM D. GROSS, xxx-xx-...
ROBERT B. GROVE, xxx-xx-x...
PHILLIP R. GRUBBS, xxx-xx-...
CHARLES I. GRUVER, xxx-xx-x...
JOSEPH GULINELLO, xxx-xx-x...
DENNIS L. GUM, xxx-xx-...
DAVID F. GUNN, xxx-xx-...
JOHN M. GUNTER, xxx-xx-...
CARL E. GUSTAFSON, xxx-xx-...
TONY G. GUSTIN, xxx-xx-...
ISAAC V. GUSUKUMA, xxx-xx-...
WILLIAM C. HAASS, xxx-xx-x...
DAN HAENDEL, xxx-xx-...
LEE D. HAFER, xxx-xx-x...
MARK J. HAGAN, xxx-xx-...
LAWRENCE HAGGERTY, xxx-xx-x...
JOHN P. HAIRE, xxx-xx-...
THOMAS D. HALEY, xxx-xx-x...
ALLEN R. HALL, xxx-xx-...
KELLY D. HALL, xxx-xx-x...
JOSEPH M. HAMM, xxx-xx-...
PAUL F. HAMM, xxx-xx-x...
ROGER W. HAMMOCK, xxx-xx-x...
RONALD B. HAMMOND, xxx-xx-x...
MARK L. HAMPTON, xxx-xx-x...
GAYLE B. HAMRICK, xxx-xx-x...
MACKEY K. HANCOCK, xxx-xx-x...
BRETT L. HANKE, xxx-xx-...
COLIN M. HANNINGS, xxx-xx-...
DOUGLAS L. HANSEN, xxx-xx-x...
DOUGLAS R. HANSEN, xxx-xx-x...
KARL K. HANSEN, xxx-xx-x...
GEORGE R. HANSON, xxx-xx-...
JOHN F. HANSON, xxx-xx-...
GLEN A. HARCEY, xxx-xx-...
MARK S. HARDING, xxx-xx-x...
JOHN F. HARGRAVES, xxx-xx-...
DONALD R. HARMON, xxx-xx-...
REX S. HARPER, xxx-xx-...
JOHN W. HARRIS, xxx-xx-x...
ROBERT P. HARRIS, xxx-xx-...
VICTOR W. HARRIS, xxx-xx-x...
DONNAN R. HARRISON, xxx-xx-x...
JAMES H. HARRISON, xxx-xx-x...
RONALD B. HARRISON, xxx-xx-x...
WAYNE L. HARRISON, xxx-xx-...
DANNY C. HARVEY, xxx-xx-...
KEVIN S. HARVEY, xxx-xx-...
THOMAS D. HASBROOK, xxx-xx-x...
GEORGE T. HASLER, xxx-xx-...
CHARLES B. HAVER, xxx-xx-...
BRENTON L. HAWORTH, xxx-xx-x...
GRANT L. HAYDEN, xxx-xx-...
SCOTT F. HEALY, xxx-xx-x...
DENNIS L. HEATH, xxx-xx-...
ROBERT D. HEATH, xxx-xx-x...
WILLIAM C. HECKEL, xxx-xx-...
KARL D. HELLER, xxx-xx-x...
LEWIS HENDERSON, xxx-xx-x...
TROY L. HENDERSON, xxx-xx-x...
VAN B. HENDERSON, xxx-xx-...
STEVEN P. HENRY, xxx-xx-...
JOHNNY G. HENSLEY, xxx-xx-x...
PATRICK HERMANSON, xxx-xx-x...
FRANCIS HERNANDEZ, xxx-xx-x...
GILBERT HERNANDEZ, xxx-xx-...
WAYNE HERRINGTON, xxx-xx-x...
CHARLES R. HIATT, xxx-xx-...
GREGORY V. HICKS, xxx-xx-...
FREDERICK HIGGINS, xxx-xx-...
WILLI HILDEBRANDT, xxx-xx-x...
MARK W. HILL, xxx-xx-x...
STEVEN A. HILL, xxx-xx-...
TERRY L. HILL, xxx-xx-...
DAVID V. HINES, xxx-xx-...
KENNETH E. HINTON, xxx-xx-x...
LEO P. HIRREL, xxx-xx-...
RANDALL S. HLEDIK, xxx-xx-x...
CURTIS L. HOBBS, xxx-xx-x...
JOHN S. HOBSON, xxx-xx-x...
JOHN L. HOCKING, xxx-xx-...
JOHN A. HODGES, xxx-xx-...
JACK W. HOESLY, xxx-xx-...
MICHAEL HOFBERGER, xxx-xx-x...
MICHAEL H. HOFFMAN, xxx-xx-x...
STEPHEN D. HOGAN, xxx-xx-...
GAROLD D. HOLCOMBE, xxx-xx-x...
CHARLES G. HOLDEN, xxx-xx-x...
JAN P. HOLESOVSKY, xxx-xx-x...
DONALD R. HOLLAND, xxx-xx-...
WAYMAN HOLLAND, xxx-xx-...
DENNY L. HOLLOWAY, xxx-xx-x...
HUGH W. HOLMES, xxx-xx-...
THEODORE HOLZMANN, xxx-xx-...
STEPHEN N. HONAKER, xxx-xx-x...
JASPER HONEYCUTT, xxx-xx-x...
RODNEY M. HONIG, xxx-xx-...
CHRIS A. HOOD, xxx-xx-...
GEORGE L. HOPE, xxx-xx-...
RAYMOND F. HOPKINS, xxx-xx-...
DANIEL E. HORNER, xxx-xx-...
STANLEY T. HOSKIN, xxx-xx-x...
ARTHUR J. HOULE, xxx-xx-x...
JONATHAN M. HOUSE, xxx-xx-...
DAVID E. HOVDE, xxx-xx-...
ROBERT W. HOWE, xxx-xx-...
MICHAEL R. HOWLAND, xxx-xx-x...
DAVID E. HRICZAK, xxx-xx-...
CRAIG J. HUCH, xxx-xx-...
ROBERT D. HUDNALL, xxx-xx-...
FORREST HUDSPETH, xxx-xx-...
GEORGE B. HUFF, xxx-xx-...
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DAVID L. ROBERTS xxx-xx-x...
ORVILLE D. ROBERTS xxx-xx-xx...
TERRANCE ROBERTS xxx-xx-x...
WILLIAM C. ROBERTS xxx-xx-x...
RANDALL ROBERTSON xxx-xx-x...
BARRY L. ROBINSON xxx-xx-x...
CRAIG L. ROBINSON xxx-xx-x...
STEVEN R. ROBINSON xxx-xx-x...
VIRGINIA L. ROBY xxx-xx-x...
BOBBY L. RODDY xxx-xx-x...
CHARLES RODRIGUEZ xxx-xx-x...
MARCELI RODRIGUEZ xxx-xx-x...
ROBERT RODRIGUEZ xxx-xx-x...
DOUGLAS S. ROGERS xxx-xx-x...
RAFAEL ROJASREYES xxx-xx-xx...
ROBERT G. ROME xxx-xx-x...
CARL L. ROOF, JR. xxx-xx-xx...
BERNARD L. ROSATO xxx-xx-x...
MARGARET A. ROSS xxx-xx-x...
MARK A. ROSS xxx-xx-x...
THOMAS A. ROSS xxx-xx-x...
BRUCE M. ROSSI xxx-xx-x...
BARBARA J. ROSSOW xxx-xx-x...
ROBERT I. ROSSOW xxx-xx-x...
JONATHAN K. ROST xxx-xx-x...
RENARD R. ROZZONI xxx-xx-x...
PAYNE V. RUCKER xxx-xx-x...
CHARLES T. RUFFIN xxx-xx-xx...
MICHAEL S. RUGANI xxx-xx-x...
JOHN B. RUHL xxx-xx-x...
WILLIAM D. RUNDLE xxx-xx-x...
THOMAS W. RUTLEDGE xxx-xx-x...
MICHAEL P. RYAN xxx-xx-x...
ROLAND M. RYAN xxx-xx-x...
RALPH A. SACZAWA xxx-xx-x...
RAFAEL F. SAHAGUN xxx-xx-x...
JAMES R. SALIMBENI xxx-xx-xx...
JOEL L. SALMONS xxx-xx-x...
GREGORY J. SANDERS xxx-xx-xx...
JOHN J. SANDERS xxx-xx-xx...
MARVIN O. SANDERS xxx-xx-x...
MAX R. SANDERS xxx-xx-x...
SCOTT D. SANDERS xxx-xx-x...
STEPHEN M. SANDERS xxx-xx-xx...
ANGEL L. SARRAGA xxx-xx-x...
LAWRENCE SAUCIER xxx-xx-x...
FREDERIC SAUNDERS xxx-xx-x...
JAMES D. SAUNDERS xxx-xx-xx...
ROBERT H. SAVARESE xxx-xx-x...
GARY L. SAWYER xxx-xx-x...
FRANK L. SAXTON xxx-xx-x...
DUANE SCARBOROUGH xxx-xx-x...
JERRY D. SCHACHER xxx-xx-x...
OTTO B. SCHACHT xxx-xx-x...
REGINA SCHAFFNER xxx-xx-x...
DONALD F. SCHARDT xxx-xx-x...
STEVE W. SCHLECT xxx-xx-x...
AUSTIN B. SCHMIDT xxx-xx-x...
LAWRENCE SCHMIDT xxx-xx-x...
PAUL J. SCHNEIDER xxx-xx-xx...
SUSAN M. SCHOECK xxx-xx-x...
DOUGLAS SCHOENBECK xxx-xx-x...
SUSAN SCHOEPPLER xxx-xx-xx...
JACK SCHOESSLER xxx-xx-x...
JOHN L. SCHOTT xxx-xx-x...
JOHN H. SCHULTZ xxx-xx-x...
STEPHEN P. SCHULTZ xxx-xx-xx...
GREGORY SCHUMACHER xxx-xx-x...
DAVID J. SCHUMANN xxx-xx-x...
CHAR SCHWARTZMANN xxx-xx-x...
MICHAEL J. SCOBA xxx-xx-x...
MARK W. SCOTT xxx-xx-x...
RONALD L. SCOTT xxx-xx-x...
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LOUIS J. SCOTTI xxx-xx-x...
MICHAEL F. SCOTTO xxx-xx-x...
HENRY P. SCULLY xxx-xx-x...
MICHAEL N. SEAMAN xxx-xx-x...
JAMES E. SEBREE xxx-xx-xx...
MARK R. SEEGER xxx-xx-x...
NOEL G. SEEK xxx-xx-x...
EDGAR C. SEELY xxx-xx-x...
STEPHEN R. SEITZ xxx-xx-x...
JOSEPH S. SERS xxx-xx-xx...
EDWARD D. SETHNESS xxx-xx-x...
JACK F. SEWARD xxx-xx-x...
ANTON L. SEYFRIED xxx-xx-x...
WALTER S. SHANKS xxx-xx-x...
FREDERICK A. SHAW xxx-xx-x...
JEFFREY L. SHAW xxx-xx-xx...
EDWARD E. SHEETS xxx-xx-x...
LINDA E. SHELLEY xxx-xx-x...
VICKI L. SHEPARD xxx-xx-x...
HUGH D. SHINE xxx-xx-x...
SCOTT L. SHIRES xxx-xx-x...
ANTHONY G. SHIRLEY xxx-xx-x...
JONATHAN H. SHOUP xxx-xx-x...
JOHN W. SHUBUCK xxx-xx-x...
NORMAN E. SHUMAN xxx-xx-x...
ROBERT L. SIDES xxx-xx-xx...
WILLIAM O. SIDES xxx-xx-xx...
VICTOR SIEBENECK xxx-xx-x...
DAVID SILVERNAIL xxx-xx-x...
STEVE R. SIMMONS xxx-xx-x...
DANIEL E. SIMON xxx-xx-x...
STEPHEN SIMONTON xxx-xx-x...
BRUCE E. SIMPSON xxx-xx-x...
ROBERT W. SIMPSON xxx-xx-x...
WILLIAM L. SIMS xxx-xx-x...
JOAN S. SISCO xxx-xx-x...
RICHARD P. SISSON xxx-xx-x...
CHARLES B. SKAGGS xxx-xx-x...
SHIRLEY L. SKINNER xxx-xx-xx...
THEODORE C. SKOKOS xxx-xx-x...
LEONETTE W. SLAY xxx-xx-x...
HAS J. SLONE xxx-xx-x...
CHRISTOPHER SMARDZ xxx-xx-x...
DAVID C. SMITH xxx-xx-x...
DAVID L. SMITH xxx-xx-x...
DAWSON F. SMITH xxx-xx-x...
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MILLEDGE R. SMITH xxx-xx-xx...
NATHANIEL SMITH xxx-xx-x...
NICHOLAS L. SMITH xxx-xx-x...
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SAMUEL J. SMITH xxx-xx-x...
SIMS H. SMITH xxx-xx-x...
SOLOMON SMITH xxx-xx-x...
WARREN W. SMITH xxx-xx-x...
WILLIE J. SMITH xxx-xx-x...
PAUL S. SMOLA xxx-xx-x...
HARLAN J. SMOLIN xxx-xx-x...
EDDIE L.SMOOT xxx-xx-x...
DAVID J. SNEAD xxx-xx-x...
JAMES M. SNOWDEN xxx-xx-x...
GREGORY W. SNYDER xxx-xx-x...
KENNETH S. SOLLARS xxx-xx-x...
WILL SOLLENBERGER xxx-xx-x...
ALLEN E. SOSDIAN xxx-xx-x...
WILLIAM SOUTHWICK xxx-xx-x...
JAMES R. SPACEK xxx-xx-xx...
WILLIAM SPALDING xxx-xx-x...
MICHAEL S. SPAR xxx-xx-x...
DAVID L. SPENCER xxx-xx-x...
JIMMY L. STACY xxx-xx-x...
LINDA M. STAGGS xxx-xx-x...
MATTHEW STALLINGS xxx-xx-x...
JAMES H. STANCER, JR xxx-xx-xx...
FRANCIS J. STANISH xxx-xx-xx...
DAVID C. STARK xxx-xx-x...
JOHN E. STARLING xxx-xx-x...
CHARLES N. STEED xxx-xx-x...
CHARLES STEELMAN xxx-xx-x...
DAVID S. STEIN xxx-xx-x...
MARK E. STENGEL xxx-xx-x...
JAY E. STEPHENS xxx-xx-xx...
JOSEPH H. STEPP xxx-xx-xx...
RICKY D. STERLING xxx-xx-x...
ANTHONY E. STERMER xxx-xx-x...
JOHN B. STERNS xxx-xx-x...
MICHAEL L. STEVENS xxx-xx-x...
JOHN E. STEWART xxx-xx-x...
ROBERT L. STEWART xxx-xx-xx...
WILLIAM D. STEWART xxx-xx-x...
MARCUS C. STILES xxx-xx-x...
JOSEPH STOGSDILL xxx-xx-xx...
STEPHEN A. STOHLA xxx-xx-x...
BENJAMIN STONE xxx-xx-x...
BRIAN P. STONE xxx-xx-x...
NORMAN W. STORRS xxx-xx-x...
BRUCE T. STOUT xxx-xx-x...
FREDERICK STRADER xxx-xx-xx...
DAVID M. STRATMOEN xxx-xx-x...
NICHO STRAVELAKIS xxx-xx-x...
WALTER M. STRIETER xxx-xx-xx...
MARK A. STROBEL xxx-xx-x...
ALAN R. STROBRIDGE xxx-xx-x...
CHARLES STROHMEIER xxx-xx-x...
JAMES C. STUBBS xxx-xx-xx...
RONNIE D. STUCKEY xxx-xx-x...
KAREN L. SUHR xxx-xx-x...
DENNIS J. SULLIVAN xxx-xx-xx...
MICHAEL SULLIVAN xxx-xx-x...
GEORGE T. SURTEES xxx-xx-xx...
AUDREY L. SUTTON xxx-xx-x...
PETER M. SWANSON xxx-xx-x...
GEORGE SWEARINGEN xxx-xx-x...
JOHN F. SWEGART xxx-xx-x...
MELVIN T. SWOBODA xxx-xx-x...
TIMOTHY D. SYKES xxx-xx-x...
DAVID D. SYKORA xxx-xx-x...
ROBERT W. SYLCOX xxx-xx-x...
CARL G. SYSLO xxx-xx-x...
CONRAD C. SZYMCZAK xxx-xx-x...
RICHARD M. TABOR xxx-xx-x...
ALAN C. TAKAO xxx-xx-x...
GARY E. TALBOT xxx-xx-x...
MICHAEL T. TALBOT xxx-xx-x...
TERRY W. TALLMAN xxx-xx-x...
RICHARD J. TAMBINI xxx-xx-x...
SHELBY L. TANNER xxx-xx-x...
FRANCIS E. TARPLEY xxx-xx-xx...
RALPH TATULINSKI xxx-xx-x...
FRANCIS TAVENNER xxx-xx-x...
JOHN P. TAYLOR xxx-xx-x...
JOYCE L. TAYLOR xxx-xx-x...
LULA P. TAYLOR xxx-xx-x...
SCOTT G. TCHON xxx-xx-x...
ZIA Z. TELFAIR xxx-xx-xx...
MCKINLEY TENNYSON xxx-xx-x...
GREGORY THIRNBECK xxx-xx-x...
DAVID W. THOMAS xxx-xx-x...
GEORGE E. THOMAS xxx-xx-x...
JAMES G. THOMAS xxx-xx-x...
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WILLIAM H. THOMAS xxx-xx-x...
JEFFREY THOMASON xxx-xx-xx...
PRES THOMASSTAHLE xxx-xx-x...
CRAWFORD THOMPSON xxx-xx-x...
EDDIE L. THOMPSON xxx-xx-x...
GARY F. THOMPSON xxx-xx-x...
TRUDIE E. THOMPSON xxx-xx-x...
NEIL B. THORNE xxx-xx-x...
GEORGE E. THORPE xxx-xx-x...
FREDERIC THURSTON xxx-xx-x...
CHARLES TICHENOR xxx-xx-x...
TRAVIS W. TICHENOR xxx-xx-x...
TIMOTHY B. TILLSON xxx-xx-x...
GLADYS R. TINSLEY xxx-xx-x...
JOHN A. TODD xxx-xx-x...
HAROLD TODDIE xxx-xx-x...
THOMAS TODHUNTER xxx-xx-x...
FRANCIS M. TOLLE xxx-xx-x...
DAVID H. TOLLE xxx-xx-x...
OSCAR L. TORBETT xxx-xx-x...
CHARLES TORRENCE xxx-xx-x...
ELIECER TORRES xxx-xx-xx...
CHARLES TOUCHSTONE xxx-xx-x...
JAMES G. TRAVES xxx-xx-xx...
RICHARD K. TREACY xxx-xx-x...
JOHNNY R. TREVINO xxx-xx-x...
RAYMOND J. TROTH xxx-xx-x...
ERIC G. TROUP xxx-xx-x...
SAM P. TRUELOCK xxx-xx-x...
DAVID B. TRUMBULL xxx-xx-x...
POWELL M. TRUSLER xxx-xx-xx...
DAVID W. TUCKER xxx-xx-x...
DANIEL J. TURANO xxx-xx-x...
LEWIS TURBERVILLE xxx-xx-xx...
DAVID E. TUREK xxx-xx-x...
JUDY C. TURNER xxx-xx-x...
SAMUEL M. TURNER xxx-xx-x...
CHARLES A. TUTEN xxx-xx-x...
JOSEPH E. TWIDWELL xxx-xx-xx...
BRUCE A. TYO xxx-xx-x...
BRUCE C. TYSON xxx-xx-x...
SAMUEL E. TYSON xxx-xx-x...
ROBERT H. UEHLING xxx-xx-x...
RICHARD E. ULRICH xxx-xx-x...
WESLEY T. UMEDA xxx-xx-x...
EDWARD UNDERWOOD xxx-xx-x...
GUINN E. UNGER, JR. xxx-xx-xx...
JAMES W. UTLEY xxx-xx-x...
RICARDO A. VALDEZ xxx-xx-x...

ANGEL A. VALENCIA xxx-xx-x...
LARRY VANDERHOFF xxx-xx-xx...
RICHARD VANHORN xxx-xx-x...
JAMES A. VANMAELE xxx-xx-xx...
JOHN D. VANMATRE xxx-xx-x...
LARRY E. VANMETER xxx-xx-xx...
ROBERT J. VANNOZZI xxx-xx-xx...
GEORGE A. VANOTTEN xxx-xx-x...
ANTHONY O. VARGAS xxx-xx-x...
JAMES W. VAUGHT xxx-xx-x...
EUGENE A. VECERA xxx-xx-x...
PETER A. VELDE xxx-xx-xx...
GEORGE A. VERES xxx-xx-xx...
MILTON M. VERNICK xxx-xx-x...
THOMAS D. VEVE xxx-xx-x...
LONNIE R. VINCENT xxx-xx-x...
TROY L. VINCENT xxx-xx-x...
RICHARD C. VINSON xxx-xx-x...
JEFFERY R. VOLLMER xxx-xx-xx...
DENNELL F. VULCAN xxx-xx-xx...
THEODORE L. WADE xxx-xx-x...
DONALD L. WAGNER xxx-xx-x...
PATRICK S. WAGONER xxx-xx-x...
GARY F. WAINWRIGHT xxx-xx-x...
ALAN J. WAITKUS xxx-xx-x...
BENJAMIN WAKEFIELD xxx-xx-x...
GEORGE M. WALDROUP xxx-xx-x...
GEORGE D. WALKER xxx-xx-x...
REGINA J. WALKER xxx-xx-xx...
SIDNEY L. WALKER xxx-xx-x...
PATRICK J. WALSH xxx-xx-xx...
JACK N. WALTER xxx-xx-x...
MICHAEL R. WALTER xxx-xx-x...
LARRY J. WALTERS xxx-xx-xx...
ALFRED C. WARD xxx-xx-x...
JOSEPH E. WARD xxx-xx-xx...
JOSEPH W. WARD xxx-xx-x...
THOMAS J. WARD xxx-xx-x...
JOHN S. WARGO xxx-xx-x...
JOHN D. WARLOW xxx-xx-x...
ROBERT S. WARREN xxx-xx-x...
STEVEN H. WARREN xxx-xx-x...
CLYDE E. WATSON xxx-xx-x...
MAX L. WATTS, JR. xxx-xx-xx...
DAVID A. WAY xxx-xx-x...
THOMAS W. WAZELLE xxx-xx-x...
RICHARD C. WEBB xxx-xx-x...
GLEN M. WEBBER xxx-xx-x...
DWIGHT S. WEBSTER xxx-xx-x...
ROBERT H. WEBSTER xxx-xx-xx...
DENNIS J. WEIPERT xxx-xx-xx...
LESLIE R. WELCH xxx-xx-xx...
CHRIS H. WELLS xxx-xx-x...
GEORGE E. WENGER xxx-xx-x...
SHEPPARD WERLEIN xxx-xx-xx...
ROBERT J. WERNER xxx-xx-xx...
MICHAEL WERSOSKY xxx-xx-x...
EARL B. WEST xxx-xx-x...
CHARLES E. WHITE xxx-xx-x...
CHARLES L. WHITE xxx-xx-x...
JEAN M. WHITE xxx-xx-x...
WILLIAM T. WHITE xxx-xx-x...
ENNIS C. WHITEHEAD xxx-xx-x...
JOICE S. WHITEHORN xxx-xx-x...
HENRY WHITEHURST xxx-xx-x...
JOHN L. WHITEMAN xxx-xx-x...
CHARLES WHITLOCK xxx-xx-x...
WILLIAM WHITTAKER xxx-xx-x...
CARL T. WHITTEN xxx-xx-x...
RONNIE WHITTINGTON xxx-xx-x...
ROBERT WHITWORTH xxx-xx-x...
WILLIAM P. WICKMAN xxx-xx-x...
PERRY R. WIDDISON xxx-xx-x...
PATRICK L. WIDNER xxx-xx-x...
MARK S. WIENTJES xxx-xx-xx...
ARVID J. WIGGIN xxx-xx-x...
LARRY L. WILCOX xxx-xx-x...
KATHLEEN M. WILDER xxx-xx-x...
WILLIAM J. WILDER xxx-xx-x...
DOUGLASS F. WILES xxx-xx-x...
JAMES O. WILES xxx-xx-xx...
DONALD H. WILKINS xxx-xx-x...
DERWOOD WILLHITE xxx-xx-x...
EDGAR B. WILLIAMS xxx-xx-x...
JAMES M. WILLIAMS xxx-xx-xx...
TOM L. WILLIAMS xxx-xx-x...
TROY D. WILLIAMS xxx-xx-x...
DAVID WILLIAMSON xxx-xx-x...
EVERET WILLIAMSON xxx-xx-x...
CHARLES E. WILLIS xxx-xx-x...
DAVID W. WILLIS xxx-xx-x...
RODNEY E. WILLIS xxx-xx-x...
DAVID W. WILLS xxx-xx-x...
ADAM J. WILSON xxx-xx-x...
HAROLD M. WILSON xxx-xx-x...
JOHN N. WILSON xxx-xx-x...
LETHA L. WILSON xxx-xx-x...
THOMAS R. WILSON xxx-xx-x...
COULBOURNE WINDER xxx-xx-x...
FRANK WING xxx-xx-x...
TONY N. WINGO xxx-xx-x...
PAUL A. WINKLER xxx-xx-x...
GARLAND H. WINNER xxx-xx-x...
DAVID G. WINTER xxx-xx-x...
LARRY V. WISE xxx-xx-x...
JAMES WISENBAKER xxx-xx-x...
THOMAS WISHOWSKI xxx-xx-x...
MICHAE WISNIEWSKI xxx-xx-x...
JAMES J. WITHERS xxx-xx-x...
CHRISTOPHER WOGAN xxx-xx-x...
PAUL K. WOHL xxx-xx-x...
WAYNE G. WOJDA xxx-xx-x...
ERNEST L. WOLTERS xxx-xx-xx...
LAURENCE A. WOMACK xxx-xx-x...
KATHY S. WOOD xxx-xx-x...
BARRY W. WOODRUFF xxx-xx-x...
JOSEPH A. WOODRUFF xxx-xx-xx...
EARL R., WOODS, JR. xxx-xx-xx...
KIRK A. WOOLERY xxx-xx-x...
FAIRON L. WOOTTEN xxx-xx-x...
CHARLES L. WRIGHT xxx-xx-x...
EDWARD S. WRIGHT xxx-xx-x...
JULIUS P. WRIGHT xxx-xx-xx...
ROBERT E. WRIGHT xxx-xx-x...
SALLY A. WRIGHT xxx-xx-x...
WAYNE S. WRIGHT xxx-xx-x...
RONALD WRIGHTSIL xxx-xx-x...
DAVID L. WRIKEMAN xxx-xx-x...
WALTHE WROBLEWSKI xxx-xx-x...
PAUL W. WYNN xxx-xx-x...
OKSANA S. XENOS xxx-xx-x...
MARK YANCEY xxx-xx-x...
RONALD L. YANCEY xxx-xx-x...
DAVID J. YANIK xxx-xx-x...
JACK R. YANNI xxx-xx-x...
GEORGE A. YANTHIS xxx-xx-x...
THOMAS YARBOROUGH xxx-xx-x...
DAVID A. YATES xxx-xx-x...
KAREN A. YAWN xxx-xx-x...
JAMES D. YOUNG xxx-xx-x...
PETER YOUNGBLOOD xxx-xx-x...
WILLIAM ZACHARIAS xxx-xx-x...
DUANE L. ZEZULA xxx-xx-x...
STEPHEN ZIMMERMAN xxx-xx-x...
RONALD F. ZINK xxx-xx-x...
RICHARD L. ZIRKLE xxx-xx-x...

CONFIRMATION

Executive nomination confirmed by the Senate February 3, 1994:

DEPARTMENT OF DEFENSE

WILLIAM J. PERRY, OF CALIFORNIA, TO BE SECRETARY OF DEFENSE.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.